

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

FEB 9 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

K. SCOTT DELK,

Plaintiff,

vs.

CHIROPRACTIC COMPUTER  
TECHNOLOGIES, INC., an  
Oklahoma corporation,  
JAMES D. CARLBURG, and  
JOSEPH E. LEVY,

Defendants.

Case No. 90-CV-1234

**JUDGMENT**

NOW on this 9 day of February, 1991, comes on the above styled and numbered cause before the undersigned United States District Judge, upon the Application of Plaintiff for Default Judgment. The Court finds that default has been entered by the Court Clerk and that the Defendants and each of them have been duly served with process herein, but have not entered an appearance, pled, or otherwise responded, and the Court finds that the Defendants are in default. The Court finds that because the Defendants are in default, the Plaintiff is entitled to judgment as requested in his Complaint in the sum of \$2,454.00. The Court further finds a reasonable attorney's fee for Plaintiff's counsel herein is the sum of \$270.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, K. Scott Delk, recover of the Defendants Chiropractic Computer Technologies, Inc., an Oklahoma corporation, James D. Carlburg, and Joseph E. Levy, and each of them, the sum of

\$2,454.00, with interest thereon at the rate of \$ 6.62, an attorney's fee in the sum of \$270.00, and the costs of this action.

(Signed) H. Dale Cook

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H. DALE COOK  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

FEB 18 1991

JAMES P. JOHNSON, Receiver, )  
et al., )  
Appellants, )  
vs. )  
R. DOBIE LANGENKAMP, Trustee, )  
Appellee. )

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

No. 86-C-319-E  
Bankruptcy No. 82-01269  
Chapter 11

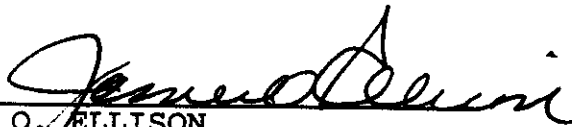
**JUDGMENT**

This matter involves an appeal to the United States Court of Appeals for the Tenth Circuit by the Appellant, James P. Johnson, Receiver for Thomas D. Chilcott, et al., of this Court's Order dated April 2, 1987, which affirmed the Bankruptcy Court's Order dated April 2, 1986, which Order of the Bankruptcy Court approved the Trustee's Accounting and Application for Order Approving Accounting and Distribution of Funds Regarding Operation of Oil and Gas Properties filed by the Appellee, R. Dobie Langenkamp, Bankruptcy Trustee for Kenneth E. Tureaud, et al. Pursuant to its Order and Judgment filed on September 20, 1990, in Case No. 87-1672, the Tenth Circuit reversed the judgment of this Court. On December 27, 1990, the Tenth Circuit entered an Order (as subsequently reissued nunc pro tunc) denying Appellee's Petition for Rehearing regarding this matter.

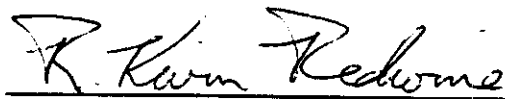
Accordingly, the Court hereby enters a money judgment for Appellant and against Appellee in the amount of \$279,702.93. Said money judgment represents the full amount due to Appellant of \$464,060.00, less \$125,804.00 which was previously paid by Appellee to Appellant, and less \$58,553.07 which represents repayment of the


amount attributable to the HOMCO matter, all in accordance with the letter agreement dated December 17, 1987, between Appellant and Appellee.

IT IS SO ORDERED this 8<sup>TH</sup> day of February, 1991.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

Approved As To Form:

  
Laurence L. Pinkerton  
R. Kevin Redwine  
CONNER & WINTERS  
ATTORNEYS FOR APPELLANT

  
Sam G. Bratton II  
DOERNER, STUART, SAUNDERS,  
DANIEL & ANDERSON  
ATTORNEYS FOR APPELLEE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REECE EZELL, JR. and MARY G.  
EZELL, a/k/a MARY GAY EZELL,  
husband and wife, individually  
and as partners of Reece's  
Barbeque; STATE OF OKLAHOMA  
ex rel. OKLAHOMA TAX COMMISSION;  
and GEORGES OF OKLAHOMA, INC.,

Defendants.

CIVIL ACTION NO. 90-C-571-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 8<sup>th</sup> day  
of July, 1991. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendant, Georges of Oklahoma, Inc., appears by it  
attorney, James A. McAuliff; the Defendant, State of Oklahoma ex  
rel. Oklahoma Tax Commission, appears by it attorney, Lisa Haws,  
Assistant General Counsel; and the Defendants, Reece Ezell, Jr.  
and Mary G. Ezell, appear not, but make default.

The Court, being fully advised and having examined the  
court file, finds that the Defendant, Reece Ezell, Jr.,  
acknowledged receipt of Summons and Complaint on July 12, 1990;  
that the Defendant, Mary G. Ezell, acknowledged receipt of  
Summons and Complaint on July 12, 1990; that the Defendant,  
Georges of Oklahoma, Inc., acknowledged receipt of Summons and  
Complaint on July 9, 1990; and that the Defendant, State of

Oklahoma ex rel. Oklahoma Tax Commission, acknowledged receipt of Summons and Complaint on July 5, 1990.

It appears that the Defendant, Georges of Oklahoma, Inc., filed its Answer on July 12, 1990, its Amended Answer on August 7, 1990, and its Second Amended Answer on November 20, 1990; that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, filed its Answer on July 18, 1990; and that the Defendants, Reece Ezell, Jr. and Mary G. Ezell, individually and as partners of Reece's Barbecue, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

The South One Hundred Fifteen (115) feet of Lots Five (5), and Six (6), Block One (1), ACRE GARDENS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on December 5, 1984, the Defendants, Reece Ezell, Jr. and Mary G. Ezell, as partners of Reece's Barbecue, executed and delivered to State Federal Savings & Loan Association, Tulsa, Oklahoma, (hereinafter "State Federal") their certain promissory note in the principal amount of \$270,000.00, with interest from date at the rate of 13.25 percent per annum on the unpaid balance until paid. The principal and interest was payable on the 5th day of February, 1985, and thereafter \$3,509.00 per month on the 5th day of each

month for eighty-four installments; beginning with the eighty-fifth installment, \$2,678.00 was payable monthly on the 5th day of each month, with the final installment of principal and interest due and payable twenty (20) years from the date of the note. Said note was transferred and assigned by State Federal to the Small Business Administration (hereinafter "SBA").

The Court further finds that as security for the payment of the above-described note, the Defendants, Reece Ezell, Jr. and Mary Gay Ezell, husband and wife, executed and delivered to State Federal Savings and Loan Association, a real estate mortgage November 30, 1983, and the Amendment to Mortgage dated December 5, 1984 covering the above-described property. Said mortgage and amendment to mortgage was recorded on November 30, 1983, and December 6, 1984, respectively, in Book 4747, at Page 2504, and in Book 4832, Page at 1373, respectively, in the records of Tulsa County, Oklahoma. Said mortgage was assigned by State Federal to SBA by Assignment of Mortgage recorded on February 24, 1987, in Book 5003 at Page 1897 in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Reese Ezell, Jr. and Mary Gay Ezell, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Reece Ezell, Jr. and Mary G. Ezell a/k/a Mary Gay Ezell, are indebted to the Plaintiff in the principal sum of \$263,650.47, together with accrued interest of \$106,710.29 as of March 28, 1989, with

interest thereafter at the daily rate of \$95.71 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action.

The Court further finds that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, has a lien on the property which is the subject matter of this action by virtue of sales tax Warrant No. STS8600017300 dated January 22, 1986 in the amount of \$1,621.41 plus interest and penalties; sales tax Warrant No. STS8600206000 dated August 4, 1986 in the amount of \$6,284.00 plus interest and penalties; and business tax Warrant No. STS8600287400 dated January 12, 1987 in the amount of \$1,994.43 plus interest and penalties. Said liens are inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Georges of Oklahoma, Inc., has a lien on the property which is the subject matter of this action by virtue of an Agreed Judgment in Case CJ-87-1895, Tulsa County, recorded on August 6, 1987 in Book 5044 at Page 678 in the records of the County Clerk of Tulsa County in the sum of \$29,447.89, with \$500.00 attorney fees and \$68.00 costs. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the United States Treasury Department, Internal Revenue Service, has a lien upon the property which is the subject matter of this action by virtue of tax liens filed in Tulsa County: Serial #74976, recorded December 22, 1986 in Book 4990 at Page 837 in the amount of \$9,389.87; Serial #82627, recorded June 9, 1987 in Book 5029 at



Page 45 in the amount of \$8,009.93; Serial #85756, recorded August 3, 1987 in Book 5042 at Page 3022 in the amount of \$15,631.05; and Serial #83164, recorded June 12, 1987 in Book 5030 at Page 991 in the amount of \$356.98. Inasmuch as government policy prohibits the joining of another federal agency as a party-defendant, the Internal Revenue Service is not made a party hereto; however, by agreement of the agencies, the liens will be released at the time of sale should the property fail to yield amounts in excess of the debt of the Small Business Administration.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Reece Ezell, Jr. and Mary G. Ezell a/k/a Mary Gay Ezell, husband and wife, individually and as partners of Reece's Barbeque, in the principal sum of \$263,650.47, together with accrued interest of \$106,710.29 as of March 28, 1989, with interest thereafter at the daily rate of \$95.71 until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums of the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, have and recover judgment in the amount of \$9,899.84, plus penalties and interest, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Georges of Oklahoma, Inc., have and recover judgment in the amount of \$20,447.89, with \$500.00 attorney fees and \$68.00 costs plus penalties and interest, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Reece Ezell, Jr. and Mary G. Ezell a/k/a Mary Gay Ezell, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

Third:

In payment of Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, in the amount of \$9,899.84, plus penalties and interest, plus the costs of this action.

Fourth:

In payment of Defendant, Georges of Oklahoma, Inc.  
in the amount of \$20,447.89 , with \$500.00 attorney  
fees and \$68.00 costs, plus penalties and  
interest, plus the costs of this action.

The surplus from said sale, if any, shall be deposited with the  
Clerk of the Court to await further Order of the Court.

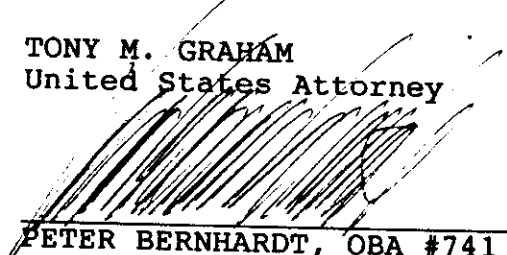
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from  
and after the sale of the above-described real property, under  
and by virtue of this judgment and decree, all of the Defendants  
and all persons claiming under them since the filing of the  
Complaint, be and they are forever barred and foreclosed of any  
right, title, interest or claim in or to the subject real  
property or any part thereof.


S/ THOMAS R. ~~DELL~~

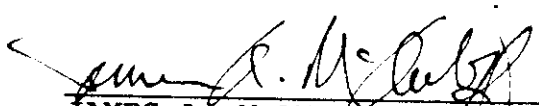
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
PETER BERNHARDT, OBA #741  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

  
LISA HAWS, OBA #12,695  
Assistant General Counsel  
Attorney for State of Oklahoma  
ex rel. Oklahoma Tax Commission

  
JAMES A. MCAULIFF, OBA #11421  
Attorney for Georges of Oklahoma, Inc.

Judgment of Foreclosure  
Civil Action No. 90-C-571-B

PB/esr

FEB 18 1991

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMAJack C. Silver, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 89-C-1074-E

WHEELING OIL COMPANY, INC.,

T &amp; H OIL COMPANY, INC.,

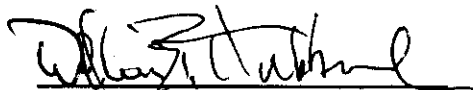
WILLIAM B. HUBBARD, and

WILBUR J. TAYLOR,


Defendants.

STIPULATED JUDGMENT

It is hereby stipulated and agreed between the parties that judgment is entered in favor of the plaintiff, the United States of America, and against the defendant, William B. Hubbard, in the amount of \$136,517.19, plus interest according to law from March 17, 1986.



WILLIAM B. HUBBARD  
P.O. Box 1173  
Drumwright, Oklahoma 74030



CHRISTOPHER H. GRIGORIAN  
Trial Attorney  
Office of Special Litigation  
Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 514-6520  
FTS 368-6520

SO ORDERED this 8<sup>th</sup> day of February, 1991.

  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE ~~TH~~ 8<sup>th</sup> 1991  
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Case No. 89-C-1074-E

WHEELING OIL COMPANY, INC., )

T & H OIL COMPANY, INC., )

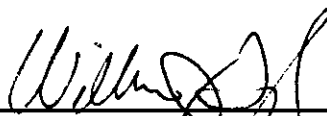
WILLIAM B. HUBBARD, and )

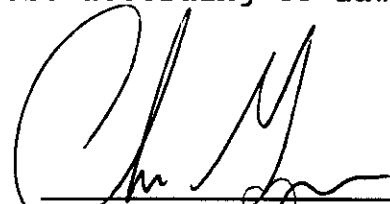
WILBUR J. TAYLOR, )

Defendants. )

STIPULATED JUDGMENT

It is hereby stipulated and agreed between the parties that judgment is entered in favor of the plaintiff, the United States of America, and against the defendant, Wilbur J. Taylor, in the amount of \$136,517.19, plus interest according to law from March 17, 1986.

  
\_\_\_\_\_  
WILBUR J. TAYLOR  
P.O. Box 1173  
Drumwright, Oklahoma 74030

  
\_\_\_\_\_  
CHRISTOPHER H. GRIGORIAN  
Trial Attorney  
Office of Special Litigation  
Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 514-6520  
FTS 368-6520

SO ORDERED this 8<sup>th</sup> day of February, 1991.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 8 1991

UNITED STATES OF AMERICA,

Plaintiff,

v.

HASKELL R. HUNTON

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Civil Action No. 90-C-1039-E

DEFAULT JUDGMENT

This matter comes on for consideration this 8<sup>th</sup> day of February, 1991, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendant, Haskell R. Hunton, appearing not.

The Court being fully advised and having examined the court file finds that Defendant, Haskell R. Hunton, was served with Summons and Complaint on January 5, 1991. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff have and recover judgment against the Defendant, Haskell R. Hunton, for the principal amount of \$18,058.43, plus accrued interest of \$2,668.43 as of September 30, 1990, plus interest thereafter at the rate of 4 percent per annum until judgment, plus

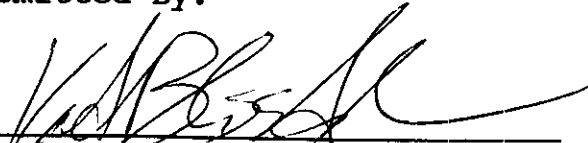
interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus costs of this action.

ST. TAMMIS C. ELISON

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United States District Judge

Submitted By:



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KATHLEEN BLISS ADAMS, OBA# 13625  
Assistant United States Attorney  
333 West 4th Street  
Tulsa, Oklahoma 74103  
(918)581-7463



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JIMMY DARYL SUMMERS; CONSUELA M.  
FRANKLIN f/k/a CONSUELA M.  
FRANKLIN-SUMMERS; AAYABU KAMAN,  
Tenant; COUNTY TREASURER, Tulsa  
County, Oklahoma; and BOARD OF  
COUNTY COMMISSIONERS, Tulsa  
County, Oklahoma,

Defendants.

**FILED**

FEB 8 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-266-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 8<sup>th</sup> day  
of Feb, 1991. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Phil Pinnell, Assistant United States Attorney;  
the Defendants, County Treasurer, Tulsa County, Oklahoma, and  
Board of County Commissioners, Tulsa County, Oklahoma, appear by  
J. Dennis Semler, Assistant District Attorney, Tulsa County,  
Oklahoma; and the Defendants, Jimmy Daryl Summers, Consuela M.  
Franklin f/k/a Consuela M. Franklin-Summers, and Aayabu Kaman,  
Tenant, appear not, but make default.

The Court being fully advised and having examined the  
court file finds that the Defendant, Jimmy Daryl Summers, was  
served with Summons and Complaint on July 10, 1990; that the  
Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged  
receipt of Summons and Complaint on March 28, 1990; and that the

Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on March 28, 1990.

The Court further finds that Defendants, Consuela M. Franklin f/k/a Consuela M. Franklin-Summers and Aayabu Kaman, Tenant, were served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning September 24, 1990, and continuing through October 29, 1990, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(c)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Consuela M. Franklin f/k/a Consuela M. Franklin-Summers and Aayabu Kaman, Tenant, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known addresses of the Defendants, Consuela M. Franklin f/k/a Consuela M. Franklin-Summers and Aayabu Kaman, Tenant. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of

the Secretary of Veterans Affairs, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to subject matter and the Defendants served by publication.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on April 17, 1990; that the Defendants, Jimmy Daryl Summers, Consuela M. Franklin f/k/a Consuela M. Franklin-Summers, and Aayabu Kaman, Tenant, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on February 6, 1990, Jimmy Daryl Summers filed his voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 90-00276-C. On March 22, 1990, the United States Bankruptcy Court for the Northern District of Oklahoma entered its order modifying the automatic stay afforded the debtor by 11 U.S.C. § 362 and directing abandonment of the real property subject to this foreclosure action and which is described below.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Thirteen (13), Block One (1), ADAMS RESUBDIVISION OF LOTS 5 TO 19 INCLUSIVE, IN BLOCK 1 AND LOTS 1 TO 17, INCLUSIVE, IN BLOCK 2, in CLINESS CREST, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, a/k/a 1324 North Boston Place, Tulsa, Oklahoma.

The Court further finds that on December 5, 1986, the Defendant, Jimmy Daryl Summers, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, his mortgage note in the amount of \$21,700.00, payable in monthly installments, with interest thereon at the rate of nine and one-half percent (9.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Jimmy Daryl Summers, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated December 5, 1986, covering the above-described property. Said mortgage was recorded on December 5, 1986, in Book 4987, Page 781, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Jimmy Daryl Summers, made default under the terms of the aforesaid note and mortgage by reason of his failure to make the monthly installments due thereon, which default has continued, and that

by reason thereof the Defendant, Jimmy Daryl Summers, is indebted to the Plaintiff in the principal sum of \$21,379.98, plus interest at the rate of 9.5 percent per annum from March 1, 1989 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$371.60 (\$20.00 docket fees, \$3.00 fees for service of Summons and Complaint, \$348.60 publication fees).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title or interest in the subject real property.

The Court further finds that Defendants, Consuela M. Franklin f/k/a Consuela M. Franklin-Summers and Aayabu Kaman, Tenant, are in default and therefore have no right, title or interest in the subject property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendant, Jimmy Daryl Summers, in the principal sum of \$21,379.98, plus interest at the rate of 9.5 percent per annum from March 1, 1989 until judgment, plus interest thereafter at the current legal rate of 662 percent per annum until paid, plus the costs of this action in the amount of \$371.60 (\$20.00 docket fees, \$3.00 fees for service of Summons and Complaint, \$348.60 publication fees), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Consuela M. Franklin f/k/a Consuela M. Franklin-

Summers, Aayabu Kaman, Tenant, and County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.


S/ JAMES O. ELLISON

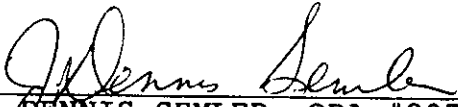
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UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
\_\_\_\_\_  
PHIL PINNELL, OBA #7169  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

  
\_\_\_\_\_  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 90-C-266-E

PP/css

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 8 1991

DOROTHY JONES,

Plaintiff,

vs.

OGDEN ALLIED SERVICES, INC.,  
a/k/a OGDEN ALLIED BUILDING  
AND AIRPORT SERVICES, INC.,

Defendants.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT


No. 90-C-171-E

JUDGMENT

This action came on for consideration before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS THEREFORE ORDERED that the Plaintiff Dorothy Jones take nothing from the Defendant Ogden Allied Services, Inc., that the action be dismissed on the merits, and that the Defendant Ogden Allied Services, Inc. recover of the Plaintiff Dorothy Jones its costs of action.

ORDERED this 8<sup>th</sup> day of February, 1991.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

69



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

FEB 8 1991

LEOTIS HERBERT WOOTEN,

Petitioner,

v.

WILLIAM F. YEAGER, et al,

Respondents.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

90-C-641-E

ORDER

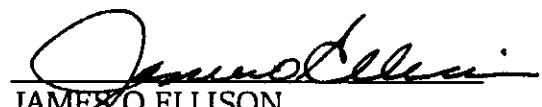
The Court has for consideration the Report and Recommendation of the United States Magistrate Judge filed December 4, 1990 in which the Magistrate recommended that the case be dismissed without prejudice and that Plaintiff may reassert his Petition once state remedies have been exhausted.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that the case is dismissed without prejudice and that Plaintiff may reassert his Petition once state remedies have been exhausted.

Dated this 8<sup>th</sup> day of February, 1991.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

GRANT MOREHEAD; TERESA A.  
MOREHEAD; HILLCREST MEDICAL  
CENTER; TULSA ADJUSTMENT BUREAU,  
INC.; COUNTY TREASURER, Tulsa  
County, Oklahoma; and BOARD OF  
COUNTY COMMISSIONERS, Tulsa  
County, Oklahoma,

Defendants.

**F I L E D**

FEB 8 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-760-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 8<sup>th</sup> day  
of Feb, 1991. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Phil Pinnell, Assistant United States Attorney;  
the Defendants, County Treasurer, Tulsa County, Oklahoma, and  
Board of County Commissioners, Tulsa County, Oklahoma, appear by  
J. Dennis Semler, Assistant District Attorney, Tulsa County,  
Oklahoma; the Defendant, Hillcrest Medical Center, appears by its  
attorney Mark G. Robb; the Defendant, Tulsa Adjustment Bureau,  
Inc., appears not, having previously filed its Disclaimer; and  
the Defendants, Grant Morehead and Teresa A. Morehead, appear  
not, but make default.

The Court being fully advised and having examined the  
court file finds that Defendants, Grant Morehead and Teresa A.  
Morehead, were served with Summons and Complaint on November 8,  
1990; that the Defendant, Hillcrest Medical Center, acknowledged

receipt of Summons and Complaint on September 11, 1990; that the Defendant, Tulsa Adjustment Bureau, Inc., acknowledged receipt of Summons and Complaint on September 12, 1990; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on September 6, 1990; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on September 6, 1990.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-five (25), Block Eight (8), SHARON HEIGHTS ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on April 11, 1978, the Defendants, Grant Morehead and Teresa A. Morehead, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$12,500.00, payable in monthly installments, with interest thereon at the rate of 8.5 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Grant Morehead and Teresa A. Morehead, executed and delivered to the United States of America, acting on behalf of the Administrator

of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated April 11, 1978, covering the above-described property. Said mortgage was recorded on April 13, 1978, in Book 4321, Page 1691, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Grant Morehead and Teresa A. Morehead, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Grant Morehead and Teresa A. Morehead, are indebted to the Plaintiff in the principal sum of \$10,949.83, plus interest at the rate of 8.5 percent per annum from November 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$35.60 (\$20.00 docket fees, \$15.60 fees for service of Summons and Complaint).

The Court further finds that the Defendant, Hillcrest Medical Center, has a lien on the property which is the subject matter of this action by virtue of a Journal Entry, in the amount of \$1,395.40 together with interest at the rate of 12 percent per annum from the 24th day of July, 1981, until paid, and for an attorney fee in the sum of \$518.62, plus costs, Case No. CSJ-81-3027, dated July 24, 1981, filed on July 24, 1981, in the District Court, Tulsa County, State of Oklahoma, and recorded on July 28, 1981, in Book 4559, Page 753 in the records of Tulsa County, Oklahoma; and by virtue of an Execution dated May 28, 1986, and recorded on June 2, 1986, in Book 4946, Page 1099 in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Tulsa Adjustment Bureau, Inc., disclaims any right, title or interest in the subject real property.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$2.00 which became a lien on the property as of 1989. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title or interest in the subject real property.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Plaintiff have and recover judgment against the Defendants, Grant Morehead and Teresa A. Morehead, in the principal sum of \$10,949.83, plus interest at the rate of 8.5 percent per annum from November 1, 1988 until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action in the amount of \$35.60 (\$20.00 docket fees, \$15.60 fees for service of Summons and Complaint), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Defendant, Hillcrest Medical Center, have and recover judgment in the amount of in the amount of \$1,395.40 together with interest

at the rate of 12 percent per annum from the 24th day of July, 1981, until paid, and for an attorney fee in the sum of \$518.62, plus costs, Journal Entry, Case No. CSJ-81-3027, dated July 24, 1981, filed on July 24, 1981, in the District Court, Tulsa County, State of Oklahoma, and recorded on July 28, 1981, in Book 4559, Page 753 in the records of Tulsa County, Oklahoma; and an Execution dated May 28, 1986, and recorded on June 2, 1986, in Book 4946, Page 1099 in the records of Tulsa County, Oklahoma, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$2.00 for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Tulsa Adjustment Bureau, Inc. and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Grant Morehead and Teresa A. Morehead, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

**First:**

In payment of the costs of this action  
accrued and accruing incurred by the

Plaintiff, including the costs of sale of said real property;

**Second:**

In payment of the judgment rendered herein in favor of the Plaintiff;

**Third:**

In payment of Defendant, Hillcrest Medical Center, in the amount of \$1,395.40 together with interest at the rate of 12 percent per annum from the 24th day of July, 1981, until paid, and for an attorney fee in the sum of \$518.62, plus costs;

**Fourth:**

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$2.00, personal property taxes which are currently due and owing.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.


S/ JAMES O. ELLISON

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UNITED STATES DISTRICT JUDGE

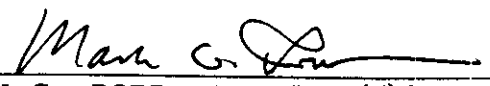
APPROVED:

TONY M. GRAHAM  
United States Attorney



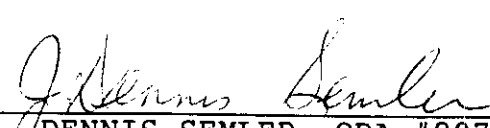
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PHIL PINNELL, OBA #7169  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463



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MARK G. ROBB, OBA #11489  
Attorney for Defendant,  
Hillcrest Medical Center



---

J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 90-C-760-E

PP/css



FILED

FEB -8 1991 *me*

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

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No. 89-C-1067-C

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARIA A. SALTER OSBORNE  
Plaintiff,

vs.

AUTEX FOODS, INC.,  
Defendants.

No. 90-C-691-B

**ORDER OF DISMISSAL WITH PREJUDICE**

This matter comes before the Court on the Joint Stipulation of Dismissal Without Prejudice of the parties. The parties represent to the Court that they have entered into an agreement for an order of dismissal in this matter with no finding of liability on the part of Defendant.

IT IS THEREFORE ORDERED that this matter is dismissed with prejudice with no finding of employment discrimination on the part of Defendant. Each party shall bear its own attorney fees and costs.

S/ THOMAS R. BRETT  
\_\_\_\_\_  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE



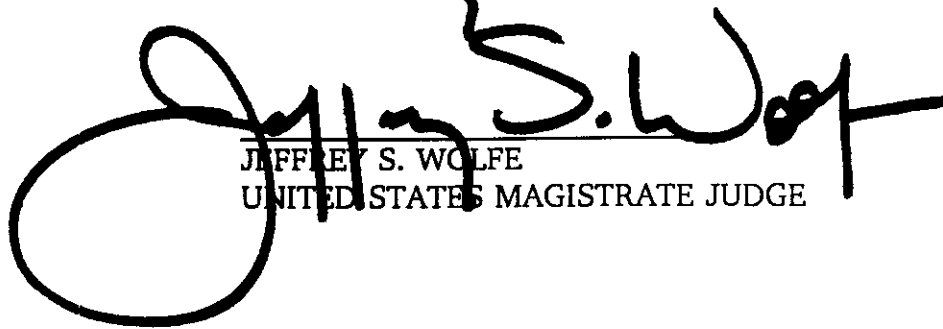
to Dismiss is hereby, granted.

In Count II, Plaintiff alleges that arresting officer and undersheriff Defendant Vice, "did not provide evidence favorable to the Defendant in a court of law". Plaintiff asserts that Defendant Vice had custody of information or evidence that Plaintiff could have used in his defense at trial. Law enforcement officials are under no duty to gather or present evidence for a criminal Defendant. *Baker v. McCollon*, 443 U.S. 137 (1979). A review of the certified docket sheet in Delaware County Case No. CRF-90-101 does not disclose any type of request from Plaintiff or his attorney for exculpatory evidence. At the status conference, Plaintiff was likewise unable to articulate any basis sufficient for a §1983 claim against Defendant Vice. Therefore, the United States Magistrate Judge orders that pursuant to Rule 12(b)(6) Fed.R.Civ.P. and Rule 17(B) of the Local Rules of the United States District Court for the Northern District of Oklahoma, Defendant Vice's Motion to Dismiss be, hereby, granted.

In Count III, Plaintiff asserts that Defendant Stout defamed Plaintiff in providing information to a newspaper (the Joplin Globe) that was untrue. However, at the status conference before the undersigned, Plaintiff admitted that the newspaper information concerning Plaintiff, and attributed to Defendant Stout, was true. Further, a state law claim of defamation is not cognizable under 42 U.S.C. §1983. *Paul v. Davis*, 424 U.S. 693 (1976); *Johnson v. Barker*, 799 F.2d 1396, 1399 (9th Cir. 1986). Therefore, it is hereby ordered that Defendant Stout's Motion to Dismiss be granted.

Therefore, it is the Order of the Court that the Plaintiff's action against Defendants Douthitt, Vice, and Stout be DISMISSED.

SO ORDERED THIS 8<sup>th</sup> day of January, 1991.

  
JEFFREY S. WOLFE  
UNITED STATES MAGISTRATE JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 1 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BILLIE A. GORDON, et al )  
 )  
Defendant. )

Civil Action No. 89-C-552-E

DEFAULT JUDGMENT

This matter comes on for consideration this 8<sup>th</sup> day of Feb, 1991, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendant, Billie A. Gordon, appearing not.

The Court being fully advised and having examined the court file finds that Defendant, Billie A. Gordon, was served with Summons and Complaint on July 12, 1990. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

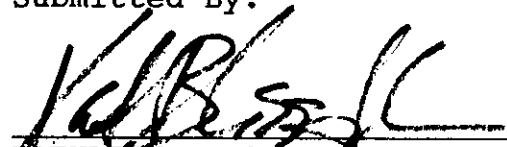
IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff have and recover judgment against the Defendant, Billie A. Gordon, for the principal amount of \$17,795.32, plus accrued interest of \$430.43 as of April 30, 1989, plus interest thereafter at the rate of 4 percent per annum until judgment, plus interest

thereafter at the current legal rate of 6.62 percent per annum until paid, plus costs of this action.

ST. JAMES O. ELISON

United States District Judge

Submitted By:



KATHLEEN BLISS ADAMS, OBA #13625  
Assistant United States Attorney  
333 West 4th Street  
Tulsa, Oklahoma 74103  
(918)581-7463

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KOCH PIPELINES, INC.,

Plaintiff,

vs.

ARK WRECKING COMPANY  
OF OKLAHOMA, INC. and TOM CODY,

Defendants.

Case No. 90-C-310-B

FILED

FEB 7 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

**AGREED PERMANENT INJUNCTION**

The Court, having reviewed the parties Agreed Application for Permanent Injunction and being fully advised in the premises, THEREFORE ORDERS, ADJUDGES AND DECREES, that the Defendants, Ark Wrecking Company of Oklahoma, Inc. and Tom Cody, shall be permanently enjoined from placing fill dirt, concrete or other material which would constitute an obstruction over Koch Pipeline Inc.'s pipeline and/or pipeline easement as it runs through Cody's property unless authorized in writing by Koch Pipelines, Inc. Violation of this injunction shall be treated as contempt of court.



United States Magistrate  
John Leo Wagner



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KOCH PIPELINES, INC.,

Plaintiff,

vs.

ARK WRECKING COMPANY  
OF OKLAHOMA, INC. and TOM CODY,

Defendants.

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FEB 7 1991

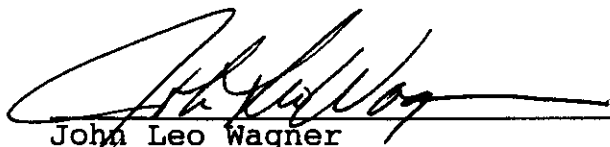
Case No. 90-C-310-B

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER OF DISMISSAL

There comes on for hearing before the undersigned Magistrate of the United States District Court, the joint Stipulation of the Plaintiff and Defendants for the dismissal with prejudice of the Plaintiff's causes of action herein. The Court is of the opinion the stipulation is well-taken, and

IT IS THEREFORE ORDERED that the Plaintiff's Koch Pipelines Company, Inc., action herein be, and is hereby, dismissed with prejudice. Further, that each party shall pay their own costs incurred herein.

  
John Leo Wagner  
United States Magistrate

IN THE UNITED STATES DISTRICT COURT FOR **FILED**  
THE NORTHERN DISTRICT OF OKLAHOMA

FEB 6 1991

IN RE:

ASBESTOS CASES

) No. M-1417

) ASB (TW)

Jack C. Silver, Clerk  
005340 DISTRICT COURT

JAMES E. WESTERVELT and  
AUDREY L. WESTERVELT,

)  
)  
) Plaintiffs,  
)

v.

) No. 88-C-1008-C  
)

ANCHOR PACKING COMPANY, et al.,  
)

) Defendants.  
)

ORDER ALLOWING DISMISSAL WITH PREJUDICE  
AS TO DEFENDANT,  
OWENS-CORNING FIBERGLAS CORPORATION

NOW, on this 28 day of January, 1991, this matter comes before the Court upon Stipulated Motion of Plaintiffs and Defendant, Owens-Corning Fiberglas Corporation, for an Order of Dismissal With Prejudice of the above-styled action, against the Defendant, Owens-Corning Fiberglas Corporation.

For good cause shown, said Motion is granted and Defendant, Owens-Corning Fiberglas Corporation, is hereby dismissed with prejudice from this action. Plaintiffs reserve their rights as to all other parties or entities herein. Each party to bear its own costs.

IT IS SO ORDERED.

H. Dale Cook

JUDGE OF THE DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 6 1991

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAY C. APPEL

Defendant.

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Civil Action No. 90-C-1023-B

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

DEFAULT JUDGMENT

This matter comes on for consideration this 10<sup>th</sup> day of Feb., 1991, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendant, Ray C. Appel, appearing not.

The Court being fully advised and having examined the court file finds that Defendant, Ray C. Appell, was served with Summons and Complaint on January 5, 1991. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff have and recover judgment against the Defendant, Ray C. Appel, for the principal amount of \$27,750.00, plus accrued interest of \$1,575.52 as of September 30, 1990, plus interest thereafter at the rate of 4 percent per annum until judgment, plus

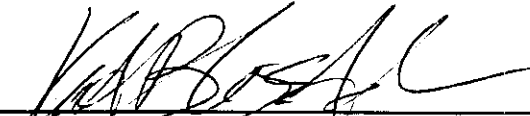
interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus costs of this action.

S/ THOMAS R. BRETT  

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United States District Judge

Submitted By:

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KATHLEEN BLISS ADAMS, OBA# 13625  
Assistant United States Attorney  
333 West 4th Street  
Tulsa, Oklahoma 74103  
(918)581-7463

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

RUSSELL V. GODSEY; RHONDA L.  
GODSEY; ROGERS COUNTY BANK;  
COUNTY TREASURER, Rogers County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Rogers County,  
Oklahoma,

Defendants.

FILED

FEB 6 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-835-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 6<sup>th</sup> day  
of Feb., 1991. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Kathleen Bliss Adams, Assistant United States  
Attorney; the Defendant, Rogers County Bank n/k/a RCB Bank,  
appears not, having previously filed its Disclaimer; the  
Defendants, County Treasurer, Rogers County, Oklahoma, and Board  
of County Commissioners, Rogers County, Oklahoma, appear by  
Ernest E. Haynes, Jr., Assistant District Attorney, Rogers  
County, Oklahoma; and the Defendants, Russell V. Godsey and  
Rhonda L. Godsey, appear not, but make default.

The Court, being fully advised and having examined the  
court file, finds that the Defendant, Russell V. Godsey, was  
served with Summons and Complaint on December 28, 1990; that the  
Defendant, Rhonda L. Godsey, was served with Summons and  
Complaint on December 28, 1990; that Rogers County Bank n/k/a RCB  
Bank, acknowledged receipt of Summons and Complaint on

October 3, 1990; that Defendant, County Treasurer, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on October 1, 1990; and that Defendant, Board of County Commissioners, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on October 1, 1990.

It appears that the Defendants, County Treasurer, Rogers County, Oklahoma, and Board of County Commissioners, Rogers County, Oklahoma, filed their Answer on October 3, 1990; that the Defendant, Rogers State Bank n/k/a RCB Bank, filed its Disclaimer on October 18, 1990; and that the Defendants, Russell V. Godsey and Rhonda L. Godsey, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Rogers County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 10 in Block 4 of WALNUT PARK "SECOND" ADDITION, an Addition to the City of Claremore, Rogers County, Oklahoma, according to the recorded Plat thereof.

The Court further finds that on May 16, 1978, the Defendants, Russell V. Godsey and Rhonda L. Godsey, executed and delivered to the United States of America, acting through the Farmers Home Administration, their mortgage note in the amount of \$27,000.00, payable in monthly installments, with interest thereon at the rate of eight percent (8%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Russell V. Godsey and Rhonda L. Godsey, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated May 16, 1978, covering the above-described property. Said mortgage was recorded on May 16, 1978, in Book 536, Page 877, in the records of Rogers County, Oklahoma.

The Court further finds that the Defendants, Russell V. Godsey and Rhonda L. Godsey, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Russell V. Godsey and Rhonda L. Godsey, are indebted to the Plaintiff in the principal sum of \$25,340.80, plus accrued interest in the amount of \$4,757.26 as of March 9, 1990, plus interest accruing thereafter at the rate of 8 percent per annum or \$5.5542 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$37.60 (\$20.00 docket fees, \$9.60 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, claim no right, title or interest in the subject real property.

The Court further finds that the Defendant, Rogers County Bank n/k/a RCB Bank disclaims any right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Russell V. Godsey and Rhonda L. Godsey, in the principal sum of \$25,340.80, plus accrued interest in the amount of \$4,757.26 as of March 9, 1990, plus interest accruing thereafter at the rate of 8 percent per annum or \$5.5542 per day until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action in the amount of \$37.60 (\$20.00 docket fees, \$9.60 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Rogers County Bank n/k/a RCB Bank, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Russell V. Godsey and Rhonda L. Godsey, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise



and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

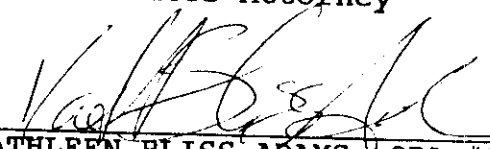
S/ THOMAS R. BRETT

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UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney



KATHLEEN BLISS ADAMS, OBA #13625  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463



ERNEST E. HAYNES, OBA #4007 OBA 10127  
District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Rogers County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 90-C-835-B

KBA/esr

UNITED STATES DISTRICT COURT FOR THE **F I L E D**  
NORTHERN DISTRICT OF OKLAHOMA

FEB 6 1991

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE PARCEL OF REAL PROPERTY,  
WITH BUILDINGS, APPURTENANCES,  
IMPROVEMENTS, AND CONTENTS  
KNOWN AS: ROUTE 7, BOX 126-A,  
SANTA FE, SANTA FE COUNTY,  
NEW MEXICO,

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Civil Action No. 90-C-779-B

NOTICE OF DISMISSAL

Plaintiff, the United States of America, by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Catherine J. Depew, Assistant United States Attorney, hereby gives notice that the above-styled action is hereby dismissed without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, thereby dismissing the following-described defendant real property, with buildings, appurtenances, improvements, and contents known as and located at Route 7, Box 126-A, Santa Fe, Santa Fe County, New Mexico, to-wit:

All of Tract A as that tract is shown on that certain plat of survey entitled "SURVEY for HELEN A. COIT in SW 1/4 NW 1/4 Sect. 8, T. 16 N., R. 10 E., N.M.P.M., SANTA FE COUNTY, N.M." prepared by Jack G. Horne, P.E. & L.S. #889, dated 20 Nov. 1974 and amended 9 March 1976; which Plat was filed in the office of the County Clerk

of Santa Fe County on the 8th day of April, 1976, as document Number 386,770;

TRACT A is more particularly described as follows: The Southwest corner of this tract and the beginning point of this description is the U.S.G.L.O. 1/4 Corner marker for the common corner of Sections 7 and 8, Township 16 North, Range 10 East, N.M.P.M.; thence from that beginning point thus established, North 0° 04' East a distance of 32.8 feet to a point; thence North 29 degrees 17 1/2' East a distance of 828.8 feet to a point that is the Northwest corner of the tract; thence South 89° 06' East a distance of 295.0 feet to a point that is the Northeast corner of the tract; thence South 1° 05' West a distance of 165.0 feet to a point; thence South 0° 46' West a distance of 377.6 feet to a point that is the Southeast corner of the tract; thence South 85° 27' West a distance of 441.18 feet to a point; thence South 55° 33 1/2' West a distance of 306.13 feet to the U.S.G.L.O. marker that is the Southwest corner of the tract and the point and place of beginning; containing 6.11 acres, more or less.

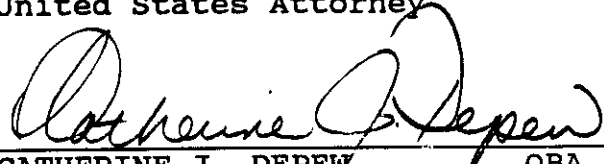
TOGETHER WITH easements for access and utilities as shown on the above-referenced plat of survey, which easements are not exclusive; and

SUBJECT TO easements for access and utilities as shown on the above-referenced plat of survey and further SUBJECT TO those Restrictions and Protective Covenants filed in the Office of

the County Clerk of Santa Fe  
County, New Mexico, on the 8th day  
of April, 1976, as Reception No.  
386,771; in Book 333 at Page  
202.

DATED this 28<sup>th</sup> day of January, 1991.

TONY M. GRAHAM  
United States Attorney



CATHERINE J. DEPEW, OBA #3836  
Assistant United States Attorney  
3600 U. S. Courthouse  
333 West 4th Street  
Tulsa, Oklahoma 74103  
(918) 581-7463

CJD/ch  
01244

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

IN RE: ) No. M-1417  
ASBESTOS CASES ) ASB (TW) 005341

JOHNNIE JUNIOR ENGLAND and )  
KATHRYN JANIE STREETER ENGLAND, ) No. 88-C-709-C  
HAROLD CURLEE and )  
KATHRYN LOUISE CURLEE, ) No. 90-C-386-C  
Plaintiffs, )  
v. )  
ANCHOR PACKING COMPANY, et al., )  
Defendants. )

**FILED**  
FEB 6 1991

ORDER ALLOWING  
STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE  
(RESERVING CERTAIN RIGHTS) AS TO DEFENDANT,  
OWENS-CORNING FIBERGLAS CORPORATION

NOW on this 28 day of January, 1991, this matter comes before the Court upon the Stipulated Motion for Dismissal With Prejudice (Reserving Certain Rights) filed by Plaintiffs and Defendant, Owens-Corning Fiberglas Corporation.

For good cause shown, said Motion is granted and the above-styled actions are hereby dismissed with prejudice, specifically preserving Plaintiffs' right to, and do not dismiss with prejudice, their potential claims for cancer and fear of cancer, against the Defendant, Owens-Corning Fiberglas Corporation, only, specifically reserving Plaintiffs' rights as to all other parties or entities

herein. Each party to bear its own costs.

IT IS SO ORDERED.

A. Dale Low.

---

JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:	)	No. M-1417
ASBESTOS CASES	)	ASB (TW) <u>005342</u>
<hr/>		
JOE M. BERRY and GEORGIA L. BERRY,	)	No. 88-C-784-C
BUDDY EUGENE JONES and	)	
VIRGINIA L. JONES,	)	No. 88-C-790-C
BOBBIE JOE HULSEY and	)	<b>FILED</b>
L. MAXINE HULSEY,	)	No. 88-C-848-C <b>FEB 6 1991</b>
ROBERT J. GANDY and	)	
LOIS JAYNE GANDY,	)	No. 88-C-980-C Silver, (
WOODROW L. STANLEY and	)	U.S. DISTRICT COURT
MARY STANLEY,	)	No. 88-C-969-C
Plaintiffs,	)	
v.	)	
ANCHOR PACKING COMPANY, et al.,	)	
Defendants.	)	

ORDER ALLOWING  
STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE  
(RESERVING CERTAIN RIGHTS)  
AS TO DEFENDANT,  
OWENS-CORNING FIBERGLAS CORPORATION

NOW on this 28 day of January, 1991, this matter comes before the Court upon the Stipulated Motion for Dismissal With Prejudice (Reserving Certain Rights) filed by Plaintiffs and Defendant, Owens-Corning Fiberglas Corporation.

For good cause shown, said Motion is granted and the above-styled actions are hereby dismissed with prejudice, specifically preserving Plaintiffs' right to, and do not dismiss with prejudice,



their potential claims for cancer and fear of cancer, against the Defendant, Owens-Corning Fiberglas Corporation, only, specifically reserving Plaintiffs' rights as to all other parties or entities herein. Each party to bear its own costs.

IT IS SO ORDERED.

H. Dale Cook

---

JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 6 1991

IN RE:	)	No. M-1417	Jack C. Silver, Clerk
	)		DISTRICT COURT
ASBESTOS CASES	)	ASB (TW) <u>5356</u>	
<hr/>			
RICHARD K. HUNT,	)	No. 88-C-843-B	
	)		
ROBERT L. BLAYDES,	)	No. 88-C-1201-B	
	)		
Plaintiffs,	)		
	)		
v.	)		
	)		
ANCHOR PACKING COMPANY, et al.,	)		
	)		
Defendants.	)		

ORDER ALLOWING  
STIPULATED MOTION FOR DISMISSAL WITHOUT PREJUDICE  
AS TO DEFENDANT,  
OWENS-CORNING FIBERGLAS CORPORATION

NOW on this 6 day of February, 1991, this matter comes before the Court upon the Stipulated Motion for Dismissal Without Prejudice filed by Plaintiffs and Defendant, Owens-Corning Fiberglas Corporation.

For good cause shown, said Motion is granted and the above-styled actions are hereby dismissed without prejudice, as Plaintiffs' counsel has stated that, if the above captioned cases are re-filed, it will be in the state of primary exposure and not in Oklahoma.

IT IS SO ORDERED.

S/ THOMAS R. BRETT  
JUDGE OF THE DISTRICT COURT

FILED

FEB 5 1991

## United States District Court

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

IN THE NORTHERN DISTRICT OF OKLAHOMA

EDDIE EVANS,

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

CITY OF TULSA,  
a Municipality,

CASE NUMBER: 88-C-711

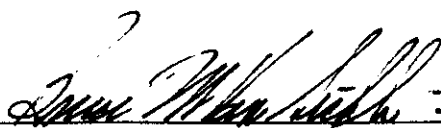
Defendant.

- ☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Judgment shall be entered in favor of Defendant, City of Tulsa, and against Plaintiff, Eddie Evans.

January 31, 1991

Date



Bruce M. Van Sickle  
United States District Judge

FEB 5 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

)  
)  
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)  
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)

United States District Judge  
United States District Court  
for the Northern District of  
Oklahoma

No. 000617

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FEB -4 1991

RETA A. HUGHES, JUDITH A. SUNDAY,  
and MICHAEL J. TORCHIA,

Plaintiffs,

-vs-

66 FEDERAL CREDIT UNION

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

No. 89-C-483-C

ORDER OF DISMISSAL WITH PREJUDICE

On this 4 day of Feb, 1991, the above-entitled cause comes on for consideration of the joint Stipulation For Dismissal filed by the plaintiffs, Reta Hughes and Judith Sunday and the defendant, 66 Federal Credit Union. The Court having read and considered the Stipulation and being fully advised in the premises finds that all claims and causes of action asserted herein by the plaintiffs, Reta Hughes and Judith Sunday, have been settled and plaintiffs' actions against the defendant should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all claims and causes of action asserted herein, or which could have been asserted herein, by the plaintiffs, Reta Hughes and Judith Sunday, against the defendant, 66 Federal Credit Union, are hereby dismissed with prejudice to any right of said plaintiffs to refile or pursue any further action, suit, or claim thereon.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 4 1991

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD C. HARRISON

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Civil Action No. 90-C-949-C

DEFAULT JUDGMENT

This matter comes on for consideration this 1<sup>st</sup> day of Feb, 1991, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendant, Richard C. Harrison, appearing not.

The Court being fully advised and having examined the court file finds that Defendant, Richard C. Harrison, was served with Summons and Complaint on December 20, 1990. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

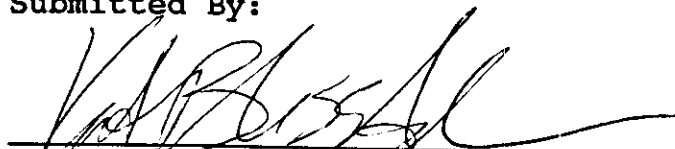
IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff have and recover judgment against the Defendant, Richard C. Harrison, for the principal amount of \$7,887.93, plus accrued interest of \$364.30 as of August 31, 1990, plus interest thereafter at the rate of 4 percent per annum until judgment, plus interest

thereafter at the current legal rate of 6.62 percent per annum until paid, plus costs of this action.

(Signed) M. Dale Cook

United States District Judge

Submitted By:



KATHLEEN BLISS ADAMS, OBA# 13625  
Assistant United States Attorney  
333 West 4th Street  
Tulsa, Oklahoma 74103  
(918)581-7463

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

FEB 4 1991

STEPHEN LLOYD CHRONISTER,

Petitioner,

v.

RON CHAMPION, Warden

Respondent.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Case No. 90-C-388-B

**ORDER**

Petitioner Stephen Lloyd Chronister's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (#1)<sup>1</sup> and Respondents Response (#4) are now before the Court for determination. The background of this matter was summarized by the Magistrate Judge in his Order of July 9, 1990 and is incorporated herein by reference.

Petitioner claims there was insufficient evidence to support his conviction of knowingly concealing stolen property after former conviction of a felony. He alleges that no one identified the aluminum ingots he sold as those stolen from Bruce Hensley's scrap yard, and that his right to due process was violated when the jury found him guilty.

Petitioner's challenge to the sufficiency of the evidence raises no federal constitutional question and cannot be considered in federal habeas corpus proceedings. Sinclair v. Turner, 447 F.2d 1158, 1161 (10th Cir. 1971), cert. den., 405 U.S. 1048 (1972).

The Court notes that a review of the transcript of petitioner's trial on September 8 -

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<sup>1</sup>"Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.



10, 1987 ("Tr") shows that the jury could have found petitioner guilty of the charge beyond a reasonable doubt regardless of whether the ingots were identified specifically. Where there is evidence, although entirely circumstantial, from which the jury may reasonable and logically find guilt, the weight, credibility and probative effect of such evidence is for the jury, and a reviewing court is not to disturb the verdict for insufficient evidence. Box v. State, 505 P.2d 995, 997 (Okla. Crim. App. 1973).

The transcript reveals that on June 12, 1987, Petitioner went to Borg Compressed Steel in Tulsa to sell a load of aluminum ingots (Tr. 104-105). James Jones ("Jones"), an employee of Borg Compressed Steel, recognized that the ingots were in a form only made by one person in the area, Mr. John Burns ("Burns") (Tr. 106). Jones described the aluminum ingots as being about the length of a loaf of bread, and three to six inches thick by six inches wide (Tr. 106).

Because of the unique shape of the ingots, Jones informed his boss, Mr. Victor Ray ("Ray"), that he was suspicious of the potential sale (Tr. 107) Jones also noted that aluminum ingots are usually sold in 1,200 pounds to a ton at a time, but the Petitioner only had 624 pounds of ingots (Tr. 107).

Jones unloaded the ingots and gave the Petitioner a ticket so that he could receive his money (Tr. 113). He asked the Petitioner for a driver's license and for his name, and Petitioner stated that his name was Stills but that he didn't have any identification (Tr. 114). The Petitioner was paid twenty-eight cents a pound, for a total of \$174.72 (Tr. 113). This price was substantially less than the standard price, but Petitioner made no objection, making Jones more suspicious (Tr. 116).

Ray showed the ingots to Burns, who recognized them as coming from his molds (Tr. 125). Burns advised Ray that he had no ingots missing, but that he had sold some to Yaffee Metals in Muskogee (Tr. 126). A call to Yaffee Metals revealed that there were in fact missing some aluminum ingots (Tr. 126).

Bruce Hensley ("Hensley"), a scrap buyer for Yaffee Iron and Metal, testified that some employees had found a hole in the fence, that the ingots purchased from Mr. Burns were stacked closest to that hole, and that some of those ingots were missing from the pallet (Tr. 140). Hensley further testified that when Yaffee first bought the aluminum ingots they weighed and tagged them, and after the theft was discovered they reweighed the aluminum ingots and the second weighing was 600 pounds short of the first weighing (Tr. 141).

Detective Gene Whitam of the Muskogee Police Department testified that Petitioner admitted selling the ingots in Tulsa during an interview (Tr. 187), but claimed that he had found the ingots in the bushes on the side of the road (Tr. 192).

Petitioner admitted on cross-examination that he had several prior felony convictions for burglary and robbery.

Petitioner's Application for a Writ of Habeas Corpus Pursuant to Title 28, United States Code, Section 2254, is denied.

Dated this 4<sup>th</sup> day of Feb., 1991.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -1 1991

IN RE:

) M-1417

ASBESTOS LITIGATION

) ASB(TW) No. 5335-A

NAYDEEN LADUKE, individually  
and as surviving wife of WAYNE  
L. LADUKE, Deceased,

) 88-C-162-B

WILLIAM KELSO and LORENE KELSO,

) 88-C-1082-E

CLARENCE LESTER ROOK and  
BERTHA HAZEL ROOK,

) 88-C-1050-E

GEORGE GRANT HELTON and  
MARY LEE HELTON,

) 88-C-745-E

WOODROW WILSON WEBBER,

) 88-C-948-E

RESSIE MAE WALL, Individually  
and as surviving wife of  
JOSEPH PAUL WALL, Deceased,

) 88-C-1410-C

RICHARD WARD WARNER and  
LILLIE L. WARNER,

) 88-C-814-E

EDWARD RANDOLPH WILBURN and  
WILMA L. WILBURN,

) 88-C-1007-E

CHARLES WATTERSON and  
VERNA WATTERSON,

) 88-C-978-E

LELAN WEBSTER KAHLER and  
EMMA J. KAHLER,

) 88-C-807-B

PATRICK W. PERRY and  
VELMA L. PERRY,

) 88-C-719-E

JAMES ARTHUR McAFFREY and  
JEWELLE C. McAFFREY,

) 88-C-1272-B

GEORGE DAVID KASTEN,

) 88-C-836-B

BRENDA GAY ANDREWS and  
NICKEY C. ANDREWS,

) 88-C-808-E

ORDER OF DISMISSAL

VERNA BRADEN, individually and as surviving wife of WILLIAM BRADEN, Deceased,	)	88-C-905-B
J.D. WARD and ELSIE M. WARD,	)	88-C-980-B
JACK J. PHILLIPS and DEANNE K. PHILLIPS,	)	88-C-888-B
DOYLE JOHNSON and LELA B. JOHNSON,	)	88-C-1032-E
MARVIN EUGENE BEEHLER and VIOLET L. BEEHLER,	)	88-C-797-E
JON BARNEY McCOIN and EVA F. McCOIN,	)	88-C-890-E
HEDY MARIE MASTERSON, Individually and as surviving wife of IVAN LEON MASTERSON, Deceased,	)	88-C-906-B
NAOMI BLACK, Individually and as surviving wife of GLENDON EDWARD BLACK, Deceased,	)	88-C-1139-B
CHARLES PAUL SILL, and ERMALENE SILL,	)	88-C-698-E
LARRY EUGENE STOGSDILL, and LOUISE STOGSDILL,	)	88-C-715-E
Plaintiffs,	)	
v.	)	
ANCHOR PACKING COMPANY, et al.,	)	
Defendants.	)	

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**ORDER OF DISMISSAL**

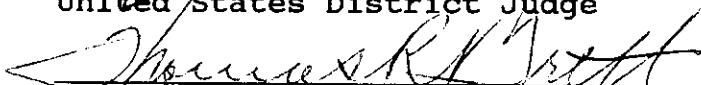
Pursuant to and upon consideration of the Stipulation for Dismissal entered into between the plaintiffs and defendant, KEENE CORPORATION, the Court finds and orders that defendant Keene Corporation should be and is hereby dismissed with prejudice from

the captioned litigation, with both parties to bear their own costs of litigation.


IT IS SO ORDERED this ~~23~~<sup>31</sup> day of Jan, 1990.

  
United States District Judge

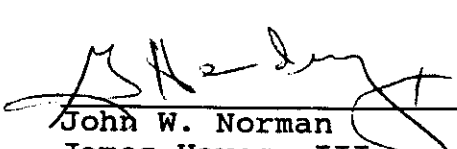
  
United States District Judge

  
United States District Judge

APPROVED:

  
Murray E. Abowitz, OBA No. 00117  
Rita J. Gould, OBA No. 10781  
Richard E. Hornbeek, OBA No. 10855  
Abowitz & Welch  
15 N. Robinson, 10th Floor  
Post Office Box 1937  
Oklahoma City, Oklahoma 73101  
Telephone: (405) 236-4645

Attorneys for Keene Corporation

  
John W. Norman  
James Hayes, III  
Gina L. Hendryx  
Norman & Edem  
127 Northwest 10th Street  
Oklahoma City, OK 73103  
Telephone: (405) 272-0200

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 01 1991

IN RE:

ASBESTOS CASES

J.R. BEALL, ET AL.

Plaintiffs,

vs.

FIBREBOARD CORP., ET AL.,

Defendants.

M-1417

ASB (I) -

005330

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

No. 88-C-292-C

FILED

JAN 15 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER GRANTING DISMISSAL OF DEFENDANT  
OWENS ILLINOIS, INC. WITH PREJUDICE

The Court being in receipt of the Application of Plaintiffs and the Defendant Owens Illinois, Inc., requesting of the Court an approval of the dismissal of Defendant Owens Illinois, Inc., with prejudice from the above-captioned matter.

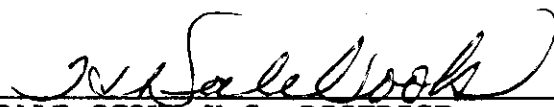
And being fully advised in the premises,

IT IS HEREBY ORDERED:

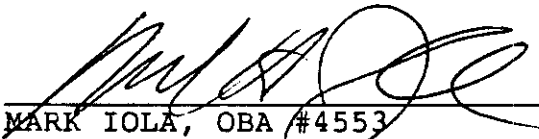
That the joint application of Plaintiffs and Defendant Owens Illinois, Inc. only is granted. The Court finds that Defendant Owens Illinois, Inc. only should be dismissed with prejudice to filing future suit and it is ordered by the Court that Defendant Owens Illinois, Inc. only is hereby dismissed as party Defendant from the case set forth above with prejudice to refiling suit.

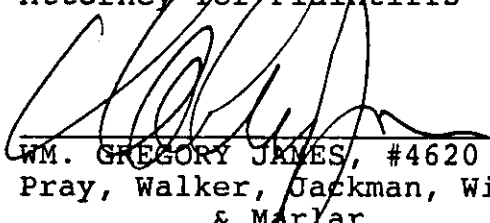
It is further ordered by the Court that each party will be responsible for its own costs, attorney fees, and any other expenses incurred by the parties that pertain to this litigation.

530

  
DALE COOK, U.S. DISTRICT  
JUDGE

APPROVED AS TO FORM:

  
MARK IOLA, OBA #4553  
Ungerman & Iola  
Attorney for Plaintiffs

  
WM. GREGORY JAMES, #4620  
Pray, Walker, Jackman, Williamson  
& Marlar  
Attorney for Defendant Owens Illinois

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED  
FEB 01 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

IN RE: )  
ASBESTOS CASES ) M-1417  
 ) ASB (I) - **005331**  
FLOYD KELLEY, ET AL. )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 88-C-132-C  
 )  
FIBREBOARD CORP., ET AL., )  
 )  
Defendants. )

FILED  
JAN 15 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER GRANTING DISMISSAL OF DEFENDANT  
OWENS ILLINOIS, INC. WITH PREJUDICE

The Court being in receipt of the Application of Plaintiffs and the Defendant Owens Illinois, Inc., requesting of the Court an approval of the dismissal of Defendant Owens Illinois, Inc., with prejudice from the above-captioned matter.

And being fully advised in the premises,

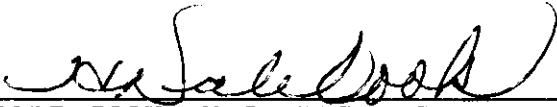
IT IS HEREBY ORDERED:

That the joint application of Plaintiffs and Defendant Owens Illinois, Inc. only is granted. The Court finds that Defendant Owens Illinois, Inc. only should be dismissed with prejudice to filing future suit and it is ordered by the Court that Defendant Owens Illinois, Inc. only is hereby dismissed as party Defendant from the case set forth above with prejudice to refiling suit.

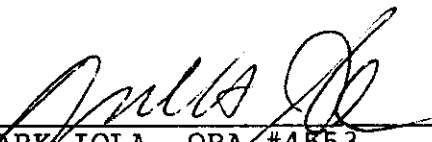
It is further ordered by the Court that each party will be responsible for its own costs, attorney fees, and any other expenses incurred by the parties that pertain to this litigation.

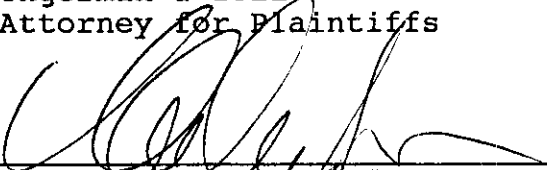
5331



  
DALE COOK, U.S. DISTRICT  
JUDGE

APPROVED AS TO FORM:

  
MARK IOLA, OBA #4853  
Ungerma & Iola  
Attorney for Plaintiffs

  
WM. GREGORY JAMES #4620  
Pray, Walker, Jackman, Williamson  
& Marlar  
Attorney for Defendant Owens Illinois

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE: )  
 )  
ASBESTOS CASES ) M-1417  
 ) ASB (I) -  
 )  
JAMES BATTLES, ET AL. )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 88-C-111-C  
 )  
FIBREBOARD CORP., ET AL., )  
 )  
Defendants. )

ORDER GRANTING DISMISSAL OF DEFENDANT  
OWENS ILLINOIS, INC. WITH PREJUDICE

The Court being in receipt of the Application of Plaintiffs and the Defendant Owens Illinois, Inc., requesting of the Court an approval of the dismissal of Defendant Owens Illinois, Inc., with prejudice from the above-captioned matter.

And being fully advised in the premises,

IT IS HEREBY ORDERED:

That the joint application of Plaintiffs and Defendant Owens Illinois, Inc. only is granted. The Court finds that Defendant Owens Illinois, Inc. only should be dismissed with prejudice to filing future suit and it is ordered by the Court that Defendant Owens Illinois, Inc. only is hereby dismissed as party Defendant from the case set forth above with prejudice to refiling suit.


It is further ordered by the Court that each party will be responsible for its own costs, attorney fees, and any other expenses incurred by the parties that pertain to this litigation.

005332

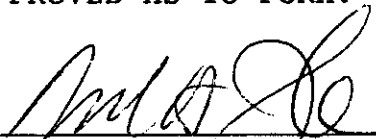
FILED  
FEB 1 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

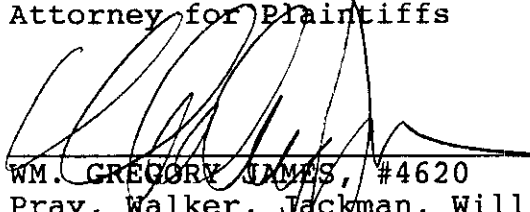
FILED  
JAN 15 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

5332

  
DALE COOK, U.S. DISTRICT  
JUDGE

APPROVED AS TO FORM:

  
MARK IOLA, OBA #4553  
Ungerman & Iola  
Attorney for Plaintiffs

  
WM. GREGORY JAMES, #4620  
Pray, Walker, Jackman, Williamson  
& Marlar  
Attorney for Defendant Owens Illinois

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

ASBESTOS CASES

WILLIS BELL, ET AL.

Plaintiffs,

vs.

FIBREBOARD CORP., ET AL.,

Defendants.

M-1417

ASB (I) -

No. 88-C-110-C

005333

FEB 01 1991

FILED

JAN 15 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER GRANTING DISMISSAL OF DEFENDANT  
OWENS ILLINOIS, INC. WITH PREJUDICE

The Court being in receipt of the Application of Plaintiffs and the Defendant Owens Illinois, Inc., requesting of the Court an approval of the dismissal of Defendant Owens Illinois, Inc., with prejudice from the above-captioned matter.


And being fully advised in the premises,

IT IS HEREBY ORDERED:


That the joint application of Plaintiffs and Defendant Owens Illinois, Inc. only is granted. The Court finds that Defendant Owens Illinois, Inc. only should be dismissed with prejudice to filing future suit and it is ordered by the Court that Defendant Owens Illinois, Inc. only is hereby dismissed as party Defendant from the case set forth above with prejudice to refiling suit.

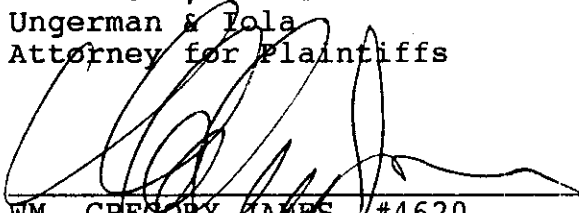
It is further ordered by the Court that each party will be responsible for its own costs, attorney fees, and any other expenses incurred by the parties that pertain to this litigation.

5333

  
DALE COOK, U.S. DISTRICT  
JUDGE

APPROVED AS TO FORM:

  
MARK IOLA, OEA #4553  
Ungerma n & Iola  
Attorney for Plaintiffs

  
WM. GREGORY JAMES, #4620  
Pray, Walker, Jackman, Williamson  
& Marlar  
Attorney for Defendant Owens Illinois

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE: ASBESTOS LITIGATION )

MASTER #1417

ASB-TW

005334

HAROLD CURLEE and KATHRYN LOUISE  
CURLEE, plaintiff's spouse,

No. 90-C-386-C

JOHNNIE JUNIOR ENGLAND and  
KATHRYN JANIE ENGLAND, plaintiff's spouse,

No. 88-C-709-C

JAMES E. WESTERVELT and  
AUDREY L. WESTERVELT, plaintiff's spouse,

No. 88-C-1008-C

Plaintiffs,

vs.

ANCHOR PACKING COMPANY, et al.,

Defendants.

FILED  
JAN 15 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER OF DISMISSAL

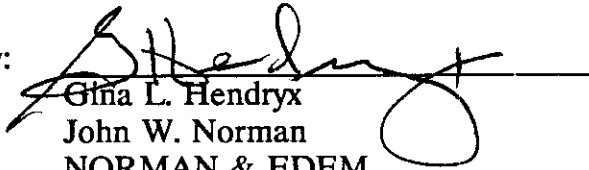
NOW ON THIS 14<sup>th</sup> day of January, 1991, this matter comes on for hearing by virtue of the Stipulation for Dismissal with Prejudice, with each party to bear its own costs, (specifically reserving certain claims) against the Defendant, Eagle-Picher Industries, Inc. only. For good cause shown, the Court finds that said Stipulation shall be granted and that Plaintiffs' claims (save and except Plaintiffs' potential claims for cancer and fear of cancer) be dismissed against the Defendant, Eagle-Picher Industries, Inc., only, reserving Plaintiffs' rights to any other parties to this action.

H. Dale Cook  
H. DALE COOK

UNITED STATES DISTRICT JUDGE

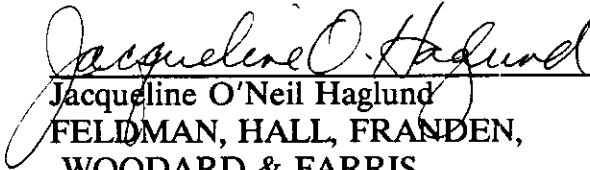
APPROVED AS TO FORM:

By:



Gina L. Hendryx  
John W. Norman  
NORMAN & EDEM  
Renaissance Centre East  
127 N.W. 10th  
Oklahoma City, OK 73103  
(405) 272-0200  
Attorneys for Plaintiffs

By:



Jacqueline O'Neil Haglund  
FELDMAN, HALL, FRANDEN,  
WOODARD & FARRIS  
525 S. Main  
Park Centre Bldg., Suite 1400  
Tulsa, OK 74103  
(918) 583-7129  
Attorney for Eagle-Picher  
Industries, Inc.

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

ASBESTOS CASES

WILLIAM PUGH, ET AL.,

Plaintiffs,

vs.

FIBREBOARD CORP., ET AL.,

Defendants.

M-1417

ASB (I) -

No. 88-C-387-C

005335

FEB 01 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

FILED

JAN 23 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER GRANTING DISMISSAL OF DEFENDANT  
OWENS ILLINOIS, INC. WITH PREJUDICE

The Court being in receipt of the Application of Plaintiffs and the Defendant Owens Illinois, Inc., requesting of the Court an approval of the dismissal of Defendant Owens Illinois, Inc., with prejudice from the above-captioned matter.

And being fully advised in the premises,

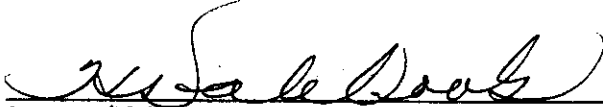
IT IS HEREBY ORDERED:

That the joint application of Plaintiffs and Defendant Owens Illinois, Inc. only is granted. The Court finds that Defendant Owens Illinois, Inc. only should be dismissed with prejudice to filing future suit and it is ordered by the Court that Defendant Owens Illinois, Inc. only is hereby dismissed as party Defendant from the case set forth above with prejudice to refiling suit.

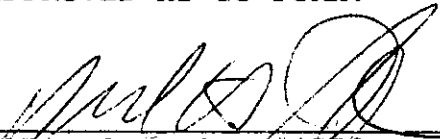
It is further ordered by the Court that each party will be responsible for its own costs, attorney fees, and any other expenses incurred by the parties that pertain to this litigation.

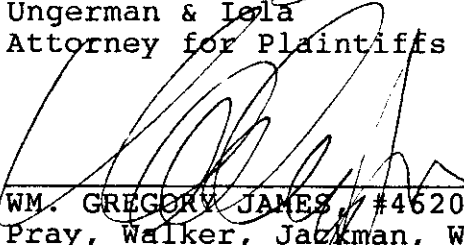
5335



  
DALE COOK, U.S. DISTRICT  
JUDGE

APPROVED AS TO FORM:

  
MARK IOLA, OBA #4553  
Ungerman & Iola  
Attorney for Plaintiffs

  
WM. GREGORY JAMES, #4620  
Pray, Walker, Jackman, Williamson  
& Marlar  
Attorney for Defendant Owens Illinois

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -1 1991

IN RE:

M-1417

ASBESTOS LITIGATION

ASB(TW) No. 5335-A

NAYDEEN LADUKE, individually  
and as surviving wife of WAYNE  
L. LADUKE, Deceased,

88-C-162-B

WILLIAM KELSO and LORENE KELSO,

88-C-1082-E

CLARENCE LESTER ROOK and  
BERTHA HAZEL ROOK,

88-C-1050-E

GEORGE GRANT HELTON and  
MARY LEE HELTON,

88-C-745-E

WOODROW WILSON WEBBER,

88-C-948-E

RESSIE MAE WALL, Individually  
and as surviving wife of  
JOSEPH PAUL WALL, Deceased,

88-C-1410-C

RICHARD WARD WARNER and  
LILLIE L. WARNER,

88-C-814-E

EDWARD RANDOLPH WILBURN and  
WILMA L. WILBURN,

88-C-1007-E

CHARLES WATTERSON and  
VERNA WATTERSON,

88-C-978-E

LELAN WEBSTER KAHLER and  
EMMA J. KAHLER,

88-C-807-B

PATRICK W. PERRY and  
VELMA L. PERRY,

88-C-719-E

JAMES ARTHUR McAFFREY and  
JEWELLE C. McAFFREY,

88-C-1272-B

GEORGE DAVID KASTEN,

88-C-836-B

BRENDA GAY ANDREWS and  
NICKEY C. ANDREWS,

88-C-808-E

ORDER OF DISMISSAL

VERNA BRADEN, individually and	)	
as surviving wife of	)	
WILLIAM BRADEN, Deceased,	)	88-C-905-B
	)	
J.D. WARD and ELSIE M. WARD,	)	88-C-980-B
	)	
JACK J. PHILLIPS and	)	
DEANNE K. PHILLIPS,	)	88-C-888-B
	)	
DOYLE JOHNSON and	)	
LELA B. JOHNSON,	)	88-C-1032-E
	)	
MARVIN EUGENE BEEHLER and	)	
VIOLET L. BEEHLER,	)	88-C-797-E
	)	
JON BARNEY McCOIN and	)	
EVA F. McCOIN,	)	88-C-890-E
	)	
HEDY MARIE MASTERSON, Individually	)	
and as surviving wife of IVAN	)	
LEON MASTERSON, Deceased,	)	88-C-906-B
	)	
NAOMI BLACK, Individually and	)	
as surviving wife of	)	
GLENDON EDWARD BLACK, Deceased,	)	88-C-1139-B
	)	
CHARLES PAUL SILL, and	)	
ERMALENE SILL,	)	88-C-698-E
	)	
LARRY EUGENE STOGSDILL, and	)	
LOUISE STOGSDILL,	)	88-C-715-E
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ANCHOR PACKING COMPANY, et al.,	)	
	)	
Defendants.	)	

---

**ORDER OF DISMISSAL**

Pursuant to and upon consideration of the Stipulation for Dismissal entered into between the plaintiffs and defendant, KEENE CORPORATION, the Court finds and orders that defendant Keene Corporation should be and is hereby dismissed with prejudice from

the captioned litigation, with both parties to bear their own costs of litigation.

IT IS SO ORDERED this 23 day of Jan, 1990.

W. Dale Cook  
United States District Judge

James D. Allen  
United States District Judge

Thomas K. L. Voth  
United States District Judge

APPROVED:

Rita J. Gould  
Murray E. Abowitz, OBA No. 00117  
Rita J. Gould, OBA No. 10781  
Richard E. Hornbeek, OBA No. 10855  
Abowitz & Welch  
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Attorneys for Keene Corporation

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Telephone: (405) 272-0200

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB -1 1991

JACK C. SCHER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONE 1986 TOYOTA CRESSIDA,  
VIN JT2MX73E8G0059006,

Defendant.

}  
}  
}  
}  
}  
}  
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}

No. 89-C-291-C

ORDER

This matter is before the Court on appeal by plaintiff United States of America from the Judgment and Opinion entered by Magistrate Jeffrey S. Wolfe following nonjury trial on the merits. By consent of the parties, the matter was tried before the Magistrate with right of appeal to this Court.

The Court has reviewed the entire record, including the trial transcript, exhibits, pleadings and briefs offered by counsel, and has independently reviewed applicable law. Based upon this review the Court hereby vacates the Judgment and Opinion of the Magistrate in finding that it is clearly erroneous and contrary to law.

REVIEW OF THE EVIDENCE

At trial the Government produced two witnesses, John K. Gillette, a Special Agent with the United States Treasury

Department, Criminal Investigative Division and Terry Toles, an officer with the Dekalb County Police Department in Atlanta, Georgia. During the time relevant to these proceedings Officer Toles was assigned to the United States Drug Enforcement Administration's Airport Task Force at the Atlanta International Airport.

The claimant Marina Garcia is a resident of Broken Arrow, Oklahoma and the wife of Mario Garcia.

Special Agent Gillette testified that he had been a member of the Presidential Drug Task Force since 1984 and as part of his duties he investigated alleged drug activities of Mario Garcia. (Tr.p.9)<sup>1</sup>. The investigation revealed that Mario Garcia began trafficking in cocaine in early 1984 with an organization consisting of from five to seven members, and continued until 1988. The source of some of the cocaine was the geographical area of Fort Lauderdale and Miami, Florida, with the point of origin Columbia, South America. (Tr.p.10). From the years 1984 through 1988 Mario Garcia accumulated a substantial amount of wealth and had substantial expenditures which, in the absence of drug trafficking, could not be explained through legitimate sources. (Tr.p.10).

Special Agent Gillette identified claimant Marina Garcia as present in the courtroom and stated he was familiar with her activities from review of DEA reports dated October 1988. Gillette

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<sup>1</sup>The evidence obtained from the trial transcript shall be identified by the page number of the transcript, and shall be referred to as "Tr.p.".

testified that a search warrant had been executed on October 28, 1988 at the residence of Mario and Marina Garcia and money was seized from Marina Garcia.<sup>2</sup> (Tr.pp.18-19). Gillette began investigating the financial activities of Marina Garcia in April, 1989. The investigation revealed a large amount of wealth and disbursements on the part of Marina Garcia that could not be explained through legitimate income sources or other known sources. (Tr.p.33).

Gillette named Harvey Jones, Jr., (nicknamed Dan Jones), as one who had furnished information to Gillette and other officers concerning Mario Garcia and his activities related to cocaine activities throughout the years 1984, 1985, 1986, 1987, until December 1988. The quantities of distribution were from pounds up to kilo-sized quantities. (Tr.p.36). The distributions took place from the residence of Mario and Marina Garcia, located at 10241 South 215th, Broken Arrow, Oklahoma. Distributions also occurred in parking lots, horse stables and at a bar next to the Guadalejara Restaurant in Tulsa. (Tr.p.36).

Harvey Jones, Jr. provided Gillette with information that the subject Toyota Cressida was one of several vehicles used by Mario Garcia to distribute cocaine to Jones. (Tr.p.46). The Toyota was purchased from Crow Brothers Toyota for the sum of \$16,900. Mario Garcia had previously purchased a Cadillac for cash, which was

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<sup>2</sup>Government's Exhibit #4 was admitted for the limited purpose of showing "that a seizure occurred on October 28th, 1988 from Marina Garcia, \$5,850." (Tr.p.29).

later stolen. His insurance claim for the loss was settled for \$11,000. The settlement proceeds of \$11,000 was sent to Crow Brothers, along with \$5,700 in cash to purchase the Toyota. (Tr.p.66). The purchase receipt was made out to Marina Garcia. The parties stipulate that title to the Toyota is solely in the name of Marina Garcia.

Harvey Jones, Jr. began cooperating with authorities after his December 1988 arrest for cocaine trafficking. He pled guilty and received a sentence of seven or eight years. (Tr.p.73). The plea was subject to an agreement to testify against others. (Tr.p.75).

Government's second witness Terry Toles testified that the Airport Task Force included a group of law enforcement officers from federal, state and local jurisdictions whose duties are to interdict the flow of drugs and drug proceeds through the Atlanta airport. (Tr.p.122).

On October 25, 1988, Officer Toles was involved in the arrest of Mario Garcia. The officers were monitoring inbound Delta flights and, in particular, Flight 117 from Fort Lauderdale, Florida. Mr. Garcia was observed deplaning and heard to ask for flight information for Tulsa, Oklahoma. Officer Toles having seen Garcia's name on his ticket went to the Delta computer terminal and obtained a copy of his reservation record. The reservation was made in the name of Mario Garcia and had been placed just prior to the flight's departure from Fort Lauderdale. The telephone call-back number was traced to a cellular car phone. Mr. Garcia had



reservations for connecting Flight 673 to Tulsa, Oklahoma. (Tr.p.124). Officer Toles, along with Agent G. O. Lottimer approached Mr. Garcia, identified themselves as narcotics agents and asked to speak to him. Garcia agreed. (Tr.p.125). Upon request, Garcia produced an Oklahoma driver's license for identification and his flight ticket. The flight ticket had attached to it one baggage claim check. Garcia agreed to being searched and also agreed to allow the agents to retrieve his luggage and search it. (Tr.p.126). When questioned about the purpose of his trip to Fort Lauderdale, Garcia said he had a nephew who had been in an accident and that he had flown the night before from Tulsa to see the nephew. (Tr.p.128). The agents obtained the luggage and returned to Garcia. Garcia identified the suitcase as his and went with the officers to a Delta supervisor's office where the search was conducted. (Tr.pp.129-130). The suitcase was locked. At the agent's request Garcia produced a single key. The suitcase was opened and in it were three wrapped packages of approximately 3,588.1 grams in gross weight of 86% pure cocaine.

Garcia was arrested, advised of his rights and interrogated. (Tr.p.131). He told the agents that "a Cuban guy" approached him at a bar in Fort Lauderdale and asked him to take the suitcase to Tulsa. As courier he was to be paid \$2,000 in Tulsa. Garcia said that he thought the suitcase contained drugs, but that he assumed it was two pounds of marijuana. (Tr.p.134). Garcia advised that he had driven the Toyota to the Tulsa airport and left it so he

could use it when he returned. The agents obtained the key to the Toyota from Garcia. The key was mailed to Tulsa, and a local DEA agent seized the Toyota from the airport parking lot. (Tr.pp.168-169). Mario Garcia was convicted in a Georgia state court for drug trafficking and received a sentence of twenty-five years imprisonment.<sup>3</sup>

From a review of the evidence, the Court concludes that the Judgment and Opinion of the Magistrate is based on clearly erroneous findings of fact as contrary to the evidence established at trial.

In the Magistrate's statement of facts, he finds that "the story begins in Ft. Lauderdale and ends in Atlanta, Georgia." However, the evidence clearly establishes that the journey began in Tulsa. Officer Toles testified (based upon his interview of Mario Garcia while under arrest in Atlanta) that Mario Garcia drove the subject Toyota to the Tulsa airport. He purchased a round trip ticket to Fort Lauderdale, Florida. On his return flight out of Fort Lauderdale, he checked his luggage (which contained 3,588.1 grams of 82% pure cocaine) through to Tulsa. Although intercepted at the Atlanta airport, he was carrying a ticket showing a connecting flight to Tulsa. At the Atlanta airport, the key to the Toyota was obtained from Garcia and he admitted that he intended to use the Toyota upon his return to Tulsa. Garcia was later tried by

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<sup>3</sup>At Garcia's criminal trial he admitted that he lied to the agents when he told them he had traveled to Fort Lauderdale to visit a nephew allegedly injured in an accident.

the Superior Court of Clayton County, Georgia and convicted of drug trafficking.

Plaintiff offered no evidence to discredit the testimony offered by Gillette and Toles. Their testimony was based upon personal knowledge, records and investigative reports maintained in regular course by the DEA.

Additionally the Magistrate omitted from his findings the uncontradicted evidence that the subject Toyota had previously been used by Mario Garcia to facilitate drug transactions, even prior to its use in the Fort Lauderdale episode. The evidence showed that Garcia had used the Toyota to transport cocaine to Harvey Jones, Jr. prior to his arrest for drug trafficking.

#### APPLICABLE LAW

The Magistrate concluded that the Government had not met its initial burden of showing probable cause. The statute in question is 21 U.S.C. §881(a)(4), which reads:

(a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1), (2) or (9) ...

In a civil forfeiture proceeding, the Government bears the burden of going forward, and must show probable cause that the property subject to forfeiture is involved in criminal activity.<sup>4</sup>

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<sup>4</sup>In rem civil forfeiture proceedings are brought against "offending inanimate objects" as defendants. Bramble v. Richardson, 498 F.2d 968, 971 (10th Cir. 1974) cert. denied, 419 U.S. 1069. The vehicle or other object "is (continued...)"

United States v. \$39,000 in Canadian Currency, 801 F.2d 1210, 1216 (10th Cir. 1986). Once this is established, the burden shifts to the claimant to prove by a preponderance of the evidence that the property is not subject to forfeiture. 801 F.2d at 1216-1217. In this action, the claimant Marina Garcia called no witnesses but stood on the assertion that the evidence produced by the Government failed to establish probable cause.

The probable cause which the Government must show is "a reasonable ground for belief of guilt, supported by less than prima facie proof but more than mere suspicion." United States v. \$22,287, 709 F.2d 442, 447 (6th Cir. 1983). "Probable cause is the sum total of layers of information and the synthesis of what the police have heard, what they know, and what they observe as trained officers." United States v. One 1984 Cadillac, 888 F.2d 1133, 1135 (6th Cir. 1989).

In making its probable cause showing, the Government must also establish a nexus "between the property to be forfeited and the criminal activity defined by the statute." United States v. \$22,287, 709 F.2d at 447. In other words, the Government must show probable cause that the Toyota was used or intended to be used to transport or in any manner facilitate the transportation of cocaine.

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<sup>4</sup>(...continued)  
treated as being itself guilty of wrongdoing." United States v. One 1976 Mercedes Benz 280S, 618 F.2d 453, 454 (7th Cir. 1980). For this reason the innocence of the owner of the property has been rejected as a defense. United States v. \$39,000 in Canadian Currency, 801 F.2d 1210, 1218 (10th Cir. 1986) citing Calero-Toledo v. Pearson Yacht, 416 U.S. 663, 673 (1974).

The Magistrate determined that the focus of the inquiry should be on whether the Toyota "facilitated" the illegal activity "because Garcia never reached the car, and neither did the cocaine."<sup>5</sup> In interpreting the term "facilitate" as used in §881(a)(4) the Magistrate elected to substitute the phrase "substantial connection" for the "facilitate" language. In so doing, he would require the Government to show that the Toyota could be forfeited only if there is a "substantial connection" between the Toyota and the underlying criminal activity.

The Court rejects the Magistrate's restricted interpretation of the term "facilitate". The language of §881(a)(4) is clear and unambiguous. The word facilitate is commonly known and used, and should be interpreted by its ordinary or dictionary meaning.<sup>6</sup> In so holding, the Court finds that a vehicle "facilitates" an illegal activity if it "makes easy or less difficult" the activity. United States v. One Bertram 58' Motor Yacht, 876 F.2d 884 n.3 (11th Cir. 1989).

The undisputed facts in evidence clearly establish probable cause that the Toyota was used to facilitate illegal drug trafficking. Mario Garcia had been a drug dealer for a substantial period of time prior to his arrest on October 25, 1988. Mario Garcia principally paid for the Toyota. He had used the Toyota for

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<sup>5</sup>This factual finding is erroneous. As previously stated, Special Agent Gillette testified that prior to Garcia's trip to Fort Lauderdale, the Toyota was used to transport illegal drugs to Harvey Jones, Jr.

<sup>6</sup>Webster's Third New World International Dictionary defines facilitate as "to make easier or less difficult: free from difficulty or impediment ... to lessen the labor of: assist, aid."

drug trafficking prior to his trip to Fort Lauderdale on October 24, 1988. Garcia used the Toyota as transportation to the Tulsa airport on October 24, 1988. Fort Lauderdale was shown to be the principal place for Garcia's drug trafficking. Garcia later admitted fabricating the story about a nephew being in an accident. He claimed that a person, whom he never identified, gave him \$2,000 to take a suitcase to Tulsa. Garcia checked the suitcase from Fort Lauderdale through to Tulsa. The Toyota was parked at the airport solely for the purpose of providing Garcia transportation from the Tulsa airport to another destination. Garcia had intended to return to Tulsa and use the Toyota but he was detected and arrested at the Atlanta airport. By Garcia leaving the Toyota parked at the Tulsa airport for use on his return, he made easier or less difficult the illegal drug trafficking between Fort Lauderdale and Tulsa.

The Court therefore holds that the defendant Toyota Cressida is subject to seizure and forfeiture under 21 U.S.C. §881. The Opinion of the Magistrate is reversed and the Judgment vacated.<sup>7</sup>

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<sup>7</sup>On October 4, 1990, three days following Government's appeal of the Magistrate's Judgment and Opinion, a superseding indictment was returned by the grand jury, charging the claimant Marina Garcia with Conspiracy to Launder Money and Tax evasion. Mrs. Garcia had previously requested to voluntarily surrender in the event of an indictment. On October 8, 1990, Mrs. Garcia failed to voluntarily surrender and remains a fugitive from justice.

Government has requested the Court to strike Mrs. Garcia's appeal brief and summarily grant this appeal. Government argues that Mrs. Garcia has lost her right to contest the forfeiture due to her status as a fugitive.

There is a split of circuit authority as to whether to extend the fugitive from justice doctrine to civil forfeiture proceedings. See, e.g., United States v. \$45,940, 739 F.2d 792 (2nd Cir. 1984) and United States v. \$129,374, 769 F.2d 583 (9th Cir. 1986) *cert. denied*, 474 U.S. 1086 (allows extension), *but cf.* United States v. \$83,320, 682 F.2d 573 (6th Cir. 1982) (does not allow extension).

However, here the claimant, Marina Garcia is the prevailing party, and it is the Government which sought appellate review. After review of the record, this Court elected to consider the merits of the appeal and vacate a clearly erroneous Judgment entered in favor of the claimant.

The Court directs plaintiff United States to prepare for the Court's review, within ten days, a proposed Judgment consistent with this Order.

*IT IS SO ORDERED* this 1<sup>st</sup> day of February, 1991.

A handwritten signature in cursive script, appearing to read "H. Dale Cook", written over a horizontal line.

H. DALE COOK

Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB - 1 1991

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

BANK OF OKLAHOMA,  
NATIONAL ASSOCIATION,

Plaintiff,

vs.

MUSCOGEE (CREEK) NATION, and  
INDIAN COUNTRY U.S.A., INC.,

Defendants.

Case No. 89-C-571-C

STIPULATION OF DISMISSAL

COME NOW Plaintiff, Bank of Oklahoma, N.A. ("BOK") and Defendant, Indian Country U.S.A., Inc. ("ICUSA"), and, pursuant to Rule 41(a) and (c), Federal Rules of Civil Procedure, for their Stipulation of Dismissal, state:

1. On July 11, 1989, BOK filed an interpleader action herein naming ICUSA and Muscogee (Creek) Nation ("Creek Nation") as Defendants.

2. On August 17, 1989, ICUSA filed a counterclaim against BOK and a cross-claim against Creek Nation.

3. On January 2, 1991, the Court granted the motion of Creek Nation to dismiss the interpleader action and ICUSA's cross-claim on the basis of sovereign immunity.

4. The Court retained jurisdiction to hear ICUSA's counterclaim, and the Court also allowed BOK to file a Second Amended Complaint adding Count II against ICUSA.



5. BOk filed the Second Amended Complaint on January 8, 1991, wherein BOk added Count II, a claim for declaratory judgment against ICUSA.


6. BOk and ICUSA stipulate to the dismissal by BOk without prejudice of Count II of the Second Amended Complaint, and the dismissal by ICUSA without prejudice of its counterclaim against BOk.

7. ICUSA retains its claim to the interpled funds, and this agreement is not intended to effect Count I of the Second Amended Complaint, i.e., the interpleader action.

Respectfully submitted,

ROBINSON, LEWIS, ORBISON  
SMITH & COYLE

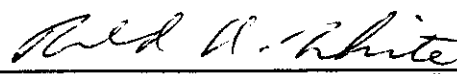
By

  
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and

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1200 N. Street  
P. O. Box 82028  
Lincoln, Nebraska 68501-2018

ATTORNEYS FOR INDIAN COUNTRY, U.S.A.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above pleading was mailed on the 1st day of February, 1991, with postage fully prepaid thereon, to:

Roger P. Cox, Esq.  
HARDING & OGBORN  
500 The Atrium  
1200 N. Street  
P. O. Box 82028  
Lincoln, Nebraska 68501-2018

Mark K. Blongewicz, Esq.  
Ronald A. White, Esq.  
Hall, Estill, Hardwick, Gable,  
Golden & Nelson, P.C.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

Gregory H. Bigler, Esq.  
G. William Rice, Esq.  
124 North Cleveland  
Cushing, Oklahoma 74023

  
\_\_\_\_\_  
C. S. Lewis, III

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB -1 1931

JAMES C. MOORE, CLERK  
U.S. DISTRICT COURT

FEDERAL DEPOSIT INSURANCE  
CORPORATION, a corporation,

Plaintiff,

v.

Case No. 88-C-452-C

EDWARD M. BEHNKEN, RALPH L.  
ABERCROMBIE, DONNE W. PITMAN, J.R. )  
THOMAS, JACK H. SANTEE, MIKE )  
ROBINOWITZ, GLENN E. BRUMBAUGH, and )  
LARRY D. SWEET, )

Defendants. )

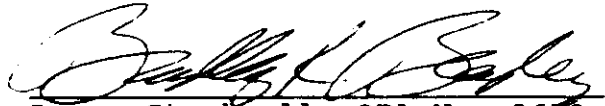
**STIPULATION PURSUANT TO RULE 41(a)(1) OF DISMISSAL WITH  
PREJUDICE OF FDIC'S CLAIMS AGAINST DEFENDANTS RALPH L. ABERCROMBIE,  
DONNE W. PITMAN, JACK H. SANTEE AND MIKE ROBINOWITZ**

---

Plaintiff Federal Deposit Insurance Corporation ("FDIC") and defendants Ralph L. Abercrombie, Donne W. Pitman, Jack H. Santee, and Mike Robinowitz, by and through their respective counsel of record and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, stipulate to the dismissal of FDIC's claims with prejudice as to said defendants. The dismissal with prejudice is effective only as to said defendants and not in respect to any other defendants in this action.

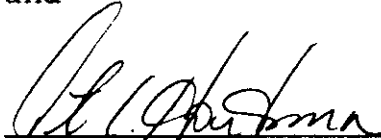
Dated this 12 day of February, 1990.

Respectfully submitted,



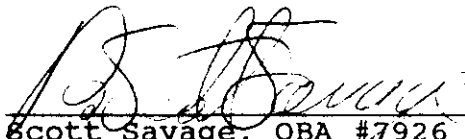
Lance Stockwell, OBA No. 8650  
Bradley K. Beasley, OBA No. 628  
BOESCHE, McDERMOTT & ESKRIDGE  
800 Oneok Plaza  
100 West Fifth Street  
Tulsa, Oklahoma 74103  
(918) 583-1777

and



Peter C. Houtsma  
Patrick M. Westfeldt  
Jack M. Englert, Jr.  
HOLLAND & HART  
555 17th Street, Suite 2900  
Denver, Colorado 80201  
(303) 295-8000

ATTORNEYS FOR PLAINTIFF, THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION



Scott Savage, OBA #7926  
Moyers, Martin, Santee, Imel &  
Tetrick  
320 South Boston, Suite 920  
Tulsa, Oklahoma 74103

ATTORNEYS FOR DEFENDANTS  
RALPH L. ABERCROMBIE, DONNE W.  
PITMAN, MIKE ROBINOWITZ, AND  
JACK H. SANTEE

CERTIFICATE OF SERVICE

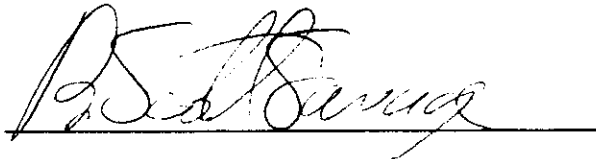
I hereby certify that on this 1st day of February, 1990,  
I mailed a true and correct copy of the foregoing STIPULATION  
PURSUANT TO RULE 41(a)(1) OF DISMISSAL WITH PREJUDICE by placing  
a copy thereof in the United States mail, postage prepaid,  
addressed to the following:

Andrew S. Hartman, Esq.  
Shipley & Schneider  
3402 First National Tower  
Tulsa, OK 74103

Mike Barkley, Esq.  
Barkley, Rodolf, Silva,  
McCarthy & Rodolf  
410 Oneok Plaza  
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Tulsa, OK 74103

Sam P. Daniel, III, Esq.  
Short, Harris, Turner,  
Daniel & McMahon  
1924 South Utica, Suite 700

Glenn E. Brumbaugh, Jr.  
P.O. Box 328  
Langley, OK 74350



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -1 1991

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

HERSHEL H. BIREE,

Plaintiff,

vs.

INTERNATIONAL BROTHERHOOD  
OF PAINTERS & ALLIED TRADE  
LOCAL UNION NO. 1895,

Defendant.

No. 90-C-366-C

JUDGMENT

This matter came on for consideration of the motion for summary judgment of defendant. The issues having been duly considered and a decision having been duly rendered in accordance with the Order filed contemporaneously herewith,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is hereby entered for defendant and against plaintiff, and that plaintiff take nothing by way of this action.

IT IS SO ORDERED this 1<sup>st</sup> day of February, 1991.

  
H. DALE COOK

Chief Judge, U. S. District Court

24

**edg.not**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BANK OF OKLAHOMA,  
NATIONAL ASSOCIATION,

Plaintiff,

vs.

MUSCOGEE (CREEK) NATION, and  
INDIAN COUNTRY U.S.A., INC.,

Defendants.

Case No. 89-C-571-C

STIPULATION OF DISMISSAL

COME NOW Plaintiff, Bank of Oklahoma, N.A. ("BOK") and Defendant, Indian Country U.S.A., Inc. ("ICUSA"), and, pursuant to Rule 41(a) and (c), Federal Rules of Civil Procedure, for their Stipulation of Dismissal, state:

1. On July 11, 1989, BOK filed an interpleader action herein naming ICUSA and Muscogee (Creek) Nation ("Creek Nation") as Defendants.

2. On August 17, 1989, ICUSA filed a counterclaim against BOK and a cross-claim against Creek Nation.

3. On January 2, 1991, the Court granted the motion of Creek Nation to dismiss the interpleader action and ICUSA's cross-claim on the basis of sovereign immunity.

4. The Court retained jurisdiction to hear ICUSA's counterclaim, and the Court also allowed BOK to file a Second Amended Complaint adding Count II against ICUSA.



5. BOk filed the Second Amended Complaint on January 8, 1991, wherein BOk added Count II, a claim for declaratory judgment against ICUSA.


6. BOk and ICUSA stipulate to the dismissal by BOk without prejudice of Count II of the Second Amended Complaint, and the dismissal by ICUSA without prejudice of its counterclaim against BOk.

7. ICUSA retains its claim to the interpled funds, and this agreement is not intended to effect Count I of the Second Amended Complaint, i.e., the interpleader action.

Respectfully submitted,

ROBINSON, LEWIS, ORBISON  
SMITH & COYLE

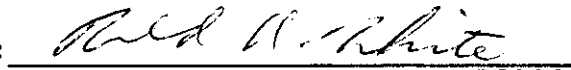
By

  
C. S. LEWIS, III, OBA #5402  
MARILYN M. WAGNER, OBA #6292  
P. O. Box 1046  
Tulsa, Oklahoma 74101  
(918) 583-1232

ATTORNEYS FOR BANK OF OKLAHOMA, N.A.

HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON

By:

  
MARK K. BLONGEWICZ, OBA #6889  
RONALD A. WHITE, OBA #12037  
4100 BOk Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-3087

and

ROGER P. COX, ESQ.  
HARDING & OGBORN  
500 The Atrium  
1200 N. Street  
P. O. Box 82028  
Lincoln, Nebraska 68501-2018

ATTORNEYS FOR INDIAN COUNTRY, U.S.A.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above pleading was mailed on the 1st day of February, 1991, with postage fully prepaid thereon, to:

Roger P. Cox, Esq.  
HARDING & OGBORN  
500 The Atrium  
1200 N. Street  
P. O. Box 82028  
Lincoln, Nebraska 68501-2018

Mark K. Blongewicz, Esq.  
Ronald A. White, Esq.  
Hall, Estill, Hardwick, Gable,  
Golden & Nelson, P.C.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

Gregory H. Bigler, Esq.  
G. William Rice, Esq.  
124 North Cleveland  
Cushing, Oklahoma 74023

  
C. S. Lewis, III

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

PEGGY M. BUTCHER a/k/a PEGGY MAY  
BUTCHER a/k/a PEGGY MAY CIRCLE  
a/k/a PEGGY MAY SUMNER; OLE E.  
BUTCHER; COUNTY TREASURER,  
Washington County, Oklahoma; and  
BOARD OF COUNTY COMMISSIONERS,  
Washington County, Oklahoma,  
Defendants.

FILED

FEB 1 1991

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-804-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 1<sup>st</sup> day  
of Feb, 1991. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Phil Pinnell, Assistant United States Attorney;  
the Defendants, Peggy M. Butcher a/k/a Peggy May Butcher a/k/a  
Peggy May Circle a/k/a Peggy May Sumner, Ole. E. Butcher, County  
Treasurer, Washington County, Oklahoma, and Board of County  
Commissioners, Washington County, Oklahoma, appear not, but make  
default.

The Court, being fully advised and having examined the  
court file, finds that the Defendant, Peggy M. Butcher a/k/a  
Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner,  
were served with Summons and Complaint on October 31, 1990; that  
the Defendant, Ole E. Butcher, was served with Summons and  
Complaint on December 26, 1990; that Defendant, County Treasurer,  
Washington County, Oklahoma, acknowledged receipt of Summons and

NOTE: THIS ORDER IS TO BE MAILED  
BY MOVANT TO ALL COUNSEL AND  
PRO SE LITIGANTS IMMEDIATELY  
UPON RECEIPT.

Complaint on or before September 25, 1990; and that Defendant, Board of County Commissioners, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on September 19, 1990.

It appears that the Defendants, Peggy M. Butcher a/k/a Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner, Ole E. Butcher, County Treasurer, Washington County, Oklahoma, and Board of County Commissioners, Washington County, Oklahoma, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

A part of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW NE SE), Section One (1), Township Twenty-four North (24N), Range Twelve East (12E) Washington County, Oklahoma, described as follows:

Beginning at the Southwest corner of the above described 10 acre tract, thence North along the West line thereof for a distance of 450 feet; thence East parallel to the South line of said 10 acre tract for a distance of 120 feet; thence South parallel to the West line of said 10 acre tract for a distance of 450 feet to the South line thereof; thence West 120 feet to the point of beginning.

The Court further finds that on November 14, 1978, the Defendants, Ole E. Butcher and Peggy M. Butcher, executed and delivered to the United States of America, acting through the

Farmers Home Administration, their mortgage note in the amount of \$27,500.00, payable in monthly installments, with interest thereon at the rate of 8.5 percent (8.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Ole E. Butcher and Peggy M. Butcher, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated November 14, 1978, covering the above-described property. Said mortgage was recorded on November 16, 1978, in Book 716, Page 578, in the records of Washington County, Oklahoma.

The Court further finds that the Defendants, Ole E. Butcher and Peggy M. Butcher a/k/a Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner, made default under the terms of the aforesaid note and mortgage, by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Ole E. Butcher and Peggy M. Butcher a/k/a Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner, are indebted to the Plaintiff in the principal sum of \$26,039.42, plus accrued interest in the amount of \$3,499.56 as of March 26, 1990, plus interest accruing thereafter at the rate of \$6.0640 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$53.20 (\$20.00 docket fees, \$25.20 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Washington County, Oklahoma, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Ole E. Butcher and Peggy M. Butcher a/k/a Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner, in the principal sum of \$26,039.42, plus accrued interest in the amount of \$3,499.56 as of March 26, 1990, plus interest accruing thereafter at the rate of \$6.0640 per day until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action in the amount of \$53.20 (\$20.00 docket fees, \$25.20 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Washington County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Ole E. Butcher and Peggy M. Butcher a/k/a Peggy May Butcher a/k/a Peggy May Circle a/k/a Peggy May Sumner, to satisfy the money judgment of the Plaintiff

herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.


(Signed) H. Dale Cook

---

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
\_\_\_\_\_  
PHIL PINNELL, OBA #7169  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

Judgment of Foreclosure  
Civil Action No. 90-C-804-C

PP/esr